



Indian Country

THIS WEEK FROM
TODAY THE PREMIER E-NEWSLETTER SERVING THE NATIONS, CELEBRATING THE PEOPLE

A Letter from the Publisher

Shekóli. This issue of This Week From Indian Country Today was assembled while members of Congress were threatening to shut down the government, and House Republicans were attempting once again to defund the Affordable Care Act. Many of the provisions in this act provided hope for improved healthcare for Natives, and a reversal of the Act or a shutdown would have a deleterious effect on many of our nations. For several months, ICTMN has documented just how the sequester and current budget crisis has damaged programs throughout Indian country, particularly in the areas of health, eldercare and education.

Sadly, less-than-adequate funding is nothing new. Since the ink dried on the first treaties, Tribal nations have been shortchanged. We seem to be in the perpetual position of reminding politicians in Washington (and in state and local governments) that we have a right to funding as part of the government's legally established federal trust responsibility and contract obligations. These funds should never be regarded as welfare programs, to be cut at will as an attempt at federal tough love or fiscal prudence; rather, they were written into the contracts as guaranteed commitments made in exchange for land and/or peace.

Visionary tribal leaders have always had to deal with a persistent conundrum. On one hand, an obvious way to free ourselves from the politics of the United States—and the changes in the political climate that affect the financing of the Departments of Interior or the Bureau of Indian Affairs—is to develop economies and services with little or no connection to federal spending. On the other hand, honor and duty compel us to demand what is right and what is due



Native peoples. After all, the entire U.S. economy and wealth was built on what was once our land and our resources. Thanks to the efforts of generations of outspoken Native diplomats and activists, the right steps have been made towards greater amounts of control and self-determination. When Native leaders come to Washington, they arrive less as petitioners and more as partners with no small amount of leverage. The question today is, what is the best tactic and use of our growing influence?

In this week's feature "Trolling For Dollars," we take note of the increasing fundraising activity as both U.S. political parties prepare for next year's midterm elections. Tribal nations are now seen as important backers in many races and regions, as has been the case for more than a few election cycles. However,

the challenge remains to convert this clout into meaningful relationships that will support our interests in the midst of political struggles and budgetary crises. We must remind friends in Congress during election periods to remember their allies and hold to their promises when the health of our nations—and the surrounding communities that depend on them—is at risk.

NA ki' wa,

Ray Halbritter

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Another National Monument for New Mexico

September 21 marked the first anniversary of President Obama's designation of the Chimney Rock National Monument. But **Rafael Gomez, Jr.**, a member of the tribal council of the Pueblo of Ysleta del Sur, and **Deborah Gangloff**, president of the Crow Canyon Archaeological Center, believe there is more to do to protect public lands in New Mexico:


We believe that the Organ Mountains-Desert Peaks region of Dona Ana County also deserves to be designated as a national monument. In addition to the natural beauty of what is southern New Mexico's mountains and valleys, many people rely

on these lands for hunting, hiking, and recreation. More importantly, this area holds tremendous cultural significance for Native Americans of not only our present generation, but of past generations, with all generations having the deepest respect for these lands. Past and current use of these lands by native peoples, including members of Ysleta del Sur Pueblo and other Puebloan peoples, attest to Organ Mountains Desert Peaks region's significance as a traditional cultural property.

The feeling of awe and reverence that many people feel upon entering a cathedral, temple or mosque is the best way we can describe the experience Native peoples feel in these special areas. Protecting

Organ Mountains-Desert Peaks will allow our children and grandchildren to know and appreciate its beauty and spiritual significance. If we fail to protect these lands, we let down future generations.

We strongly encourage President Obama and Congress to consult with tribal leaders so that they can better understand the significance of Organ Mountains-Desert Peaks. Tribal input was welcomed on Rio Grande del Norte and Chimney Rock, as it was at Kasha Katuwe Tent Rocks National Monument by the Cochiti Pueblo in 2001. Working together to protect these spiritual lands strengthens the United States' relationship with American Indian tribes.

<http://bit.ly/15AN3Ra> 

Reform Indian Country Right-of-Way Laws

Last year the federal government took important steps toward returning control of Indian lands to tribes with the *Helping Expedite and Advance Responsible Tribal Homeownership (HEARTH) Act*. **Brian Pearson**, who leads the Indian Nations law team at *Godfrey & Kahn, S.C.* in Milwaukee, doesn't think the effort should end there:

The modernized trust principles underlying the new leasing laws should be extended to other areas of federal oversight. The federal laws and regulations governing rights of way over Indian lands, including the 1948 all-purpose right of way law and the Part 169 BIA regulations, are

prime candidates for modernization.

The Part 169 regulations provide the framework for BIA approvals of rights of way for roads, rail, telecommunications, oil and gas pipelines, electricity transmission, water and sewer lines and any other purpose requiring the right to cross tribal lands. Like the leasing regulations, the approval process includes an application, submission of information about the applicant, site maps, determination of fair market value, environmental protection provisions and mandatory terms.

Reform of the Indian country rights of way should follow the leasing reform model. The 1948 right of way law should be amended to permit tribes to adopt or

ordinances addressing rights of way, with appropriate valuation and environmental review provisions. Tribes that adopt conforming ordinances and obtain BIA approval would thereafter be free of the federal approval requirements. At the same time, regardless of whether Congress amends the 1948 law, BIA should amend the Part 169 regulations to provide greater deference to, and less federal review of, tribal decisions relating to rights of way.

Just as recent leasing reforms will encourage Indian country economic development by eliminating or reducing costs and delays associated with lease approvals, so will reforms of the right of way process.

<http://bit.ly/15AKFtH> 

The Minstrel Show That Didn't Go Away

Stereotyped depictions of blacks, Jews and other minorities are now considered *verboten*. But **Dwannna L. Robertson**, a citizen of the Muscogee (Creek) Nation and an assistant professor at Kansas State University, argues that a double standard still applies to Natives:


While minstrel shows have long been criticized as racist, American children are still socialized into playing Indian. Columbus Day celebrations, Halloween costumes and Thanksgiving reenactments stereotype Indigenous Peoples as one big distorted culture. Why is racism against Natives hardly recognized or pointed out by non-Native people, especially non-

Native scholars?

In his book *The Racial Contract*, Charles W. Mills states that only recently have scholars been confronted "with the uncomfortable fact, hardly discussed in mainstream moral and political theory, that we live in a world which has been foundationally shaped for the past five hundred years by the realities of European domination and the gradual consolidation of global white supremacy."

It's important to note that Indigenous Peoples are not a race, of course. We belong to distinct, sovereign Native Nations. I often explain that lumping all of us together just because we're from the same continent makes no sense. Non-Native people wouldn't lump people

from Germany with people from Italy on the continent of Europe or people from Russia with people from Vietnam on the continent of Asia. Geographic location, culture, and language matter. Yet, no matter how we identify culturally, it seems that, especially in the media, non-Natives still see us as all the same.

Playing Indian is racist—in no way different from wearing blackface or participating in minstrel shows—because it collapses our distinct cultures into one stereotypical racialized group. Even worse, because playing Indian is deemed socially acceptable, any other racial or ethnic group may now participate—without ever recognizing the inherent racism in doing so. <http://bit.ly/16LBbfi> 

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Conviction of DeLay, Once Linked to Madoff, is Overturned

The conviction of former Republican House Majority Leader Tom DeLay for money laundering was overturned on September 19. DeLay, who is infamous in Indian country for his ties to disgraced former Republican lobbyist Jack Abramoff, had been found guilty in 2010 for helping to illegally funnel corporate money to Texas candidates in 2002.

DeLay's former aide, Michael Scanlon, was Abramoff's partner in a series of scams that defrauded Indian nations of more than \$80 million in the early 2000's, and then working against the nations on behalf of their competitors.

DeLay was found guilty of having conspired with two associates, John Colyandro and Jim Ellis, through his Texas-based political committee, to send \$190,000 in corporate money to the Republican National Committee, which later sent that same amount to seven Texas House candidates. State law forbids corporate money to be given directly to political campaigns. Following his conviction, DeLay was sentenced to three years in prison, but the sentence was put on hold until his case made it through the appellate process.

Then, last week, the Texas 3rd Court of Appeals ruled 2-1 that the prosecution had "failed in its burden to prove that the funds that were delivered to the seven candidates were ever tainted." DeLay's attorney, Brian Wice told the AP that DeLay is "ecstatic. He's gratified. He's just a little bit numb. I'm hoping with today's victory, he will be able to resume his life as he once knew it." <http://bit.ly/18e6X34> 📱

Tlingit Spoken Here: A \$455K Grant for Language Revitalization

To increase the number of fluent Tlingit speakers under 60 years old by 300 percent over three years, the Sealaska Heritage Institute has received a federal grant of \$454,828 to fund a Tlingit language Mentor-Apprentice program in Southeast Alaska. The grant comes from the Administration of Native Americans for Language Preservation and Maintenance and will establish the mentor-apprentice program that will work toward perpetuating and revitalizing the language.

"We now have teachers, we have language learners, and we have material, and so this is absolutely a great event for us to be able to now have a formal program," SHI President Rosita Worl said.

The program, formally titled "Bridging Challenges to Fluency Through Partnerships: Establishing a Tlingit Mentor-Apprenticeship," will create six

mentor-apprentice teams that will engage in 260 hours of one-on-one language immersion every year for three years.

SHI estimates there are just 200 Tlingit speakers left, but the institute is optimistic about the future because there are so many students learning the language. Worl told the *Juneau Empire* that it is necessary for the next generation of language learners to achieve the next level of Tlingit fluency so they are able to teach. She feels it is important not only to maintain the language in its own right, but to nurture it because it is tied to cultural preservation.

"All languages reflect their world views," Worl said. "And there is a lot of knowledge and experience embedded in that language. And for our human society that's been around for thousands and thousands of years we want to be able to capture and preserve that knowledge." <http://bit.ly/1eXFlyL> 📱

United Tribes of North Dakota Oppose Killdeer Development

The United Tribes of North Dakota have unanimously passed a resolution that opposes any further development on Killdeer Mountain. The opposition stems from the sacred nature of the site, where, on July 28, 1864, a detachment of the U.S. Army commanded by Brig. Gen. Alfred Sully attacked a peaceful encampment of Teton Natives.

"An undetermined number of Na-

tive American men, women and children were killed, accompanied by the destruction of between 1,600 and 1,800 lodges they occupied... as a part of a continuing effort by the U.S. military to stamp out all resistance by Native Americans to U.S. domination of Indian country in Minnesota, Dakota Territory and further west; an effort which would now be called a war of genocide," reads the resolution, which was passed September 6. "The Tetons that managed to escape the horrors of the so-called 'Battle' in the Killdeer Mountains in Dakota Territory were unable to ever give their relatives the

appropriate burial ceremonies, with many bodies being buried in a long line along the hills where they were killed." The attack also destroyed tons of buffalo meat, piles of tanned hides, clothes, utensils and tipi poles.

The United Tribes of North Dakota, which represents the Sisseton-Wahpeton Oyate, the Spirit Lake Tribe, the Standing Rock Tribe, Mandan/Hidatsa/Arikara Nation and the Turtle Mountain Band of Chippewa, worry that the proposed construction of an electric power transmission line "could potentially disturb the remains of those killed at the site." <http://bit.ly/1f1YBAx> 📱

Judge Orders Halt to Mega-Loads Through Nez Perce Land


A federal judge has prohibited the shipment of mega-loads through Nez Perce tribal territory without further review and has directed the U.S. Forest Service to conduct a study of the scenic corridor and consult with the tribe.

In his September 13 ruling, U.S. District Judge B. Lynn Winmill noted that the Forest Service has authority over mega-loads that went along the federally designated scenic highway, which winds through the Nez Perce reservation, just 50 feet from the tribe's creation place. But when the Idaho Transportation Department awarded a permit to the shipping company Omega Morgan to haul a 644,000-pound, football-field-sized piece of equipment along the highway in August, the Forest Service declined to review it.

"In an earlier decision in a related case, the court held that the Forest Service must enforce all relevant legal authorities, including, but not limited to, the Wild and Scenic Rivers Act," Winmill wrote in his ruling. "The Forest Service was taking the position that it had authority to review but not to enforce. Obviously, that was an erroneous reading of the court's decision."

"The tribe is pleased the court's decision recognizes the tribe's sovereignty, and its rights and interests," said Nez Perce Tribal Council Chairman Silas Whitman in a statement. "The tribe will not let U.S. Highway 12—both through the National Forest and Wild and Scenic River corridor and the Nez Perce Reservation—be transformed into an industrial corridor."

The Nez Perce have been protesting the transport of equipment bound for the oil sands up north through their territory for more than two years.

<http://bit.ly/19aaboh> 

'Vulnerability Map' Highlights Climate Change Hot Spots


Southern and southeastern Asia, western and central Europe, eastern South America and southern Australia are among the regions most vulnerable to climate change on Earth, a new map compiled by the Wildlife Conservation Society shows. But Turtle Island and much of Indian country are not far behind.

This map, unlike previous assessments, factors in the condition of the areas surveyed rather than simply looking at climate change's effects on landscapes and seascapes. The human activity that has shaped many of these regions already must be accounted for, the map's creators said, because that helps determine how susceptible the areas will be to the influences of the world's changing climate.

"We need to realize that climate change is going to impact ecosystems both directly and indirectly in a variety

of ways and we can't keep on assuming that all adaptation actions are suitable everywhere," said James Watson, who led the study, on September 17.

"A vulnerability map produced in the study examines the relationship of two metrics: how intact an ecosystem is, and how stable the ecosystem is going to be under predictions of future climate change," the Wildlife Conservation Society said. "The analysis creates a rating system with four general categories for the world's terrestrial regions, with management recommendations determined by the combination of factors."

The dark green areas of the map, which are much of northern Canada, delineate areas of low climate stability but a high rate of intact vegetation, the society said. Its scientists were joined in the map's creation by researchers at the University of Queensland in Australia and Stanford University in California. The research was published in the journal *Nature Climate Change*. <http://bit.ly/1brtvIO> 


Cherokee Nation Has Big Impact on Oklahoma Economy

BY BRIAN DAFFRON

The Cherokee Nation has released a study reporting that its 320,000-member tribe has benefited the Oklahoma economy by an estimated \$1.3 billion. The study, which cites 14,000 jobs and \$559 million in income payments, was conducted by Dr. Russell Evans of the Steven C. Agee Economic Research and Policy Institute of the Meinders School of Business at Oklahoma City University.

Cherokee Nation Chief Bill John Baker told Indian Country Today Media Network that the study was conducted as a "scorecard" to inform its business partners—including the county commissioners and the school districts within its 14-county tribal jurisdiction—of the tribe's performance.

"It's pretty easy to overlook the economic impact that tribes have in the individual communities and realize that, for the state of Oklahoma, the recession didn't get as deep for us as it did for a lot of the rest of the country," said Baker. "We're coming out of it quicker than most of the rest of the country. I truly believe that one of the main reasons is not only the Cherokee Nation, but the other tribes here in Oklahoma that bring so much to the table, and it's obviously in the billions and billions of dollars."

Baker said the largest locations of growth have been in Rogers County—the home of the tribally owned Hard Rock Casino—and Cherokee and Delaware Counties. He also attributes the success of the Cherokee Nation to its business diversification and gaining of 8(a) contracts through the U.S. Small Business Administration. <http://bit.ly/15FKXzC> 

Piscataway Indian Is Navy Yard Victim

Civilian utilities foreman also youngest to die

Among the victims of last week's shooting massacre at the Washington Navy Yard, in which 13 people including the killer died, was Kenneth Bernard Proctor, who was a member of the Cedarville Band of Piscataway Indians. At 46 years old, Proctor was also the youngest of the 12 victims. According to the Associated Press, Proctor was a civilian utilities foreman at the Navy Yard but did not work in the building itself. His ex-wife, Proctor, described him to the AP as "a very loving, caring, gentle person." <http://bit.ly/16iEYwb> ☞

Hung Jury In Bellecourt Trial

American Indian Movement cofounder not convicted

A jury has failed to reach a verdict in the trial of Clyde Bellecourt, a founder of the American Indian Movement, on misdemeanor charges of trespassing. Bellecourt was arrested last Christmas Eve at Nicolett Mall in Minneapolis, Minnesota, which was the site of an Idle No More protest. Although not part of the demonstration himself, he was warned repeatedly that he faced arrest; finally, Bellecourt grabbed an officer and then went limp to passively resist arrest. On September 17, the jury announced that it was deadlocked over the case. "I would think the city should dismiss the charges," said Larry Leventhal, Bellecourt's attorney. <http://bit.ly/16fEj7> ☞

Arizona State Hires New Indian Scholars

Professors will explore diversity of subjects

Arizona State University has added five American Indian scholars to teach law, social transformation, American Indian studies, and social and family dynamics. The professors and their disciplines are Robert Miller (Eastern Shawnee), civil procedure, Indian law and economic development; K. Tsianina Lomawaima (Mvskoke), Indian policy history, indigenous knowledge systems and research issue in Indian education; Tennale Marley (White Mountain Apache), American Indian health and healthy policy; Michelle Hale (Laguna, Ojibwe, Odawa, and Navajo Nation citizen), tribal governance and leadership, public policy and economic development; and Monica Tsethliakai (enrolled member of the Zuni); statistics and child development. <http://bit.ly/1aTUDuk> ☞

Posters To Help Homeless Natives

Limited edition for Seattle initiative

Those who are interested in helping Seattle's homeless Native population can now do so by picking up a limited-edition, signed poster by Nooksack artist Louie Gong. Proceeds from the posters, on sale at KessInHouse.com for \$25 each, benefit Chief Seattle Club, an organization that provides food, services and "a sacred space to nurture, affirm and renew the spirit of urban Native peoples." The poster design is Gong's

"good morning" pattern, which features a pair of hummingbirds and a coffee cup that repeat seamlessly. The 24" x 36" posters have been produced in a limited edition of 200, and each will be signed by Gong. <http://bit.ly/1aWxmIu> ☞

Morongo Gives \$20,000 In College Scholarships

A continuing legacy for California students

The Morongo Band of Mission Indians has awarded their 2013 Rodney T. Mathews Jr. Scholarship to Meghan Wright and Cara Sue Owings; each recipient will receive \$10,000 toward her higher education. The scholarship is open to all enrolled members of the more than 100 federally recognized tribes in California. Wright, of the Hopland Band of Pomo Indians, attends Loma Linda University and is working toward an Associate of Science degree in physical therapy. Owings, of the Smith River Rancheria, is working toward a bachelor's degree in Native American Studies at Humboldt State University. Over the past nine years, Morongo has awarded \$300,000 in scholarships to Native American students, according to Tribal Chairman Robert Martin. <http://bit.ly/1btF38g> ☞

Boulder Area Ravaged By Record Floods

Seven counties affected, eight people dead

Boulder, Colorado is recovering after flooding from torrential rains of five to 15 inches overran parched fields and inundated homes

in a 17-county area. The deluge set at least a 100-year record for rainfall, authorities said, and left at least eight people confirmed or presumed dead, including an American Indian youth. Nearly 12,000 people were evacuated in north-central and northeast Colorado, where many of the state's 30,000 non-reservation Indians reside. State emergency management officials said that rebuilding could take at least a year for the thousands of homes and businesses that were affected by the tirrebt and for hundreds of bridges and roads that have been destroyed outright. <http://bit.ly/16nPtIN> ☞

In Orange Room, 'Redskins' Is Broached

NBC digital space assesses use of name

No sooner had the *Today* show unveiled its new digital space, the Orange Room, last week than host Carson Daly dove into the simmering controversy about the Washington, D.C. NFL franchise's continuing use of the name "Redskins." Speaking from the new set, which monitors social media and allows NBC greater connections with its audience, Daly noted that an ever increasing number of media outlets have begun refusing to use the word. They include *Sports Illustrated*, *USA Today*, *Slate*, *Mother Jones*, *The Kansas City Star*, *The Washington Post* and *Today.com* itself. However, a *Today.com* survey showed that 60 percent of network viewers did not think the name should be changed. <http://bit.ly/16iPjbu> ☞

How *Carcieri* Was Dissed

The Senate debate that never happened **BY ROB CAPRICCIOSO**

Bottom Line: Loretta Tuell, former staff director of the Senate Committee on Indian Affairs under the now-retired Daniel Akaka (D-Hawaii), explains exclusively to Indian Country Today Media Network just how close the Senate came to passing a clean legislative fix to *Carcieri v. Salazar*, the controversial 2009 Supreme Court decision that limited the Interior Department's ability to take lands into trust for tribes recognized after 1934.

ICTMN: A clean *Carcieri* legislative fix—that would not limit sovereignty for any tribes—was the major tribal issue Sen. Akaka worked on passing during his last year in Congress. What is the real reason it didn't happen?

The senator knew that the *Carcieri* issue was the number one priority for President Obama and Indian country. In response, he quickly introduced and marked up a bill to amend the Indian Reorganization Act. Then, over the course of the 112th Congress, he looked for opportunities to move the bill. Along the way, the senator developed a solid legislative record, educated members, and secured bicameral and bipartisan support. He also secured an agreement with Majority Leader [Harry] Reid (D-Nevada) to bring the bill to the floor during the lame-duck session [last fall]. With all that said, when the bill was poised to come to the Senate floor, it was put aside and never came up again.

ICTMN: Did you feel like you had enough support from Reid in trying to pass a *Carcieri* fix?

Over the course of the 112th Congress, Chairman Akaka and Majority Leader Reid had many discussions about the *Carcieri* bill. The Leader understood that the bill was the top priority of the committee, the administration, and the White House. The Leader made a personal commitment to Sen. Akaka to bring the *Carcieri* bill to the floor in

the lame-duck session. In addition, the Leader expressed his support for passage of the bill to his colleagues.

ICTMN: Please remind readers what happened the day the *Carcieri* bill was called to the Senate floor.

As politics go, the path to passage of any bill is never a short linear story, especially in these highly charged, partisan times on Capitol Hill. Rather, the political process is inherently messy, complicated and latent with big personality schisms. The legislative process is aptly compared to the “sausage-making” process for a reason—

The legislative process is aptly compared to sausage-making. . . you don't want to watch it being made.'

you never want to watch it being made, but doesn't the final product taste good, to those folks who like sausage?... After eighteen months of preparation, a solid legislative record, support on both sides of the aisle, support from the administration and the White House, the *Carcieri* bill was put aside for later debate.

ICTMN: But that debate never happened?

During the fall of 2012, Chairman Akaka began to alert all the interested players that a deal had been reached with the Majority Leader. They had an agreement that during the lame-duck session, the

Carcieri bill would come to the Senate floor for an up or down vote. True to his word, when the time came, the Leader listed the *Carcieri* bill on the very short list of the important bills eligible for a vote in that very critical session. In fact, the unprecedented nature of securing an up or down vote on an Indian bill during a limited lame duck session was historic and an accomplishment in itself. Yet, this very action may have unsettled those who never believed it could happen.

As the exact timing for consideration was revealed, all the interested players were updated. The chairman and the committee staff prepared internally for the next step with further caucus presentations, bipartisan outreach, vote counts, background information and floor statements, etc. Now the sausage-making begins and the roles of the all the players—internally and externally—become complicated or some would say dramatic, or many would say tragic. Many of the advocates in the chamber and outside the forum, including tribal leaders and their advocates, wanted complete certainty—not calculated certainty. A fear factor arose, and many players could not move past it or rise to the challenge.

The end result was the decision to put the bill aside for later consideration. The chairman continued to pursue reconsideration with the Leader, as the bill remained on the now shortened list of possible bills for the lame-duck session.

Suddenly, real tragedy struck the Congress with the unexpected passing of the Senate President Pro Tem, Daniel K. Inouye. The death of Hawaii's senior senator changed everything in the Senate chamber, the Congress, and the country. Ultimately, the 112th Congress came to a close on January 2, 2013 without consideration of the *Carcieri* bill. The 113th Congress began the next day.

Editor's note: This interview has been edited for clarity and condensed. <http://bit.ly/15FTQsS> ☞

Seneca Tobacco Is Hit

Fallout from a sting operation **BY GALE COUREY TOENSING**

Bottom Line: *A federal injunction against Seneca-associated cigarette operations is the most recent effort in a series of moves to control the once robust Indian tobacco economy.*

In the latest clampdown on the Indian tobacco economy, a federal district court has granted New York City's request for a preliminary injunction against Seneca Indian Nation-based tobacco wholesalers, prohibiting them from advertising, selling or shipping cigarettes without tax stamps or monthly reports of sales.

The U.S. District Court for the Southern District of New York issued the injunction on September 9 against Wolfpack Tobacco, Cloud and Company, Allegany Sales and Marketing, and PM Delivery. The order affects the sale and distribution of cigarettes from a site on the Seneca Indian Nation's Alleghany Reservation to customers in New York City and elsewhere.

At issue is the alleged violation of the Prevent All Cigarette Trafficking Act (PACT), the Cigarette Marketing Standards Act (CMSA), the Racketeer Influenced and Corrupt Organizations Act (RICO) and the Contraband Cigarette Trafficking Act (CCTA).

The suit claims that the Wolfpack defendants violated the PACT Act by failing to report their cigarette sales to the city, failing to properly label their shipments or verify the age of those receiving the cigarettes, and exceeding the maximum weight allowed for individual shipments. It further alleges that Wolfpack violated the CMSA by selling unstamped, and therefore untaxed, cigarettes to city residents "for vastly less than the price of a New York State tax stamp, let alone the price of the joint New York City and State taxes."

The suit further alleges that PM De-

livery violated the CCTA by contracting carriers to deliver more than the limit of 10,000 cigarettes in a single shipment and transporting, distributing and shipping them to city customers and elsewhere. Finally, the lawsuit puts forward a RICO claim against both PM Delivery and the Wolfpack defendants for the CCTA violation (it does not, however, allege a CCTA violation against the Wolfpack defendants directly).

The lawsuit was originally filed in March, the Office of the New York City Sheriff having begun a sting operation last December. In January 2013, an inves-

argument on the grounds that New York City has not sued Wolfpack on any of the PACT Act's provisions that have injunctions placed against them.


The defendants also argued that New York State lacks the power to regulate the affairs of members of a sovereign Indian nation on an Indian reservation. The district court acknowledged that the state could not tax cigarettes sold to Indians on the reservation, but could tax sales of cigarettes to non-Indians. Ultimately, in weighing "the balance of equities and the public interest," the court concluded that an injunction was in order. The off-

reservation sales of cigarettes "are a serious public health threat, deprive governments of significant tax revenue, harm competition, and increase the likelihood that cigarettes will wind up in the hands of children," the court ruled.

The injunction bars the Wolfpack defendants from advertising or selling cigarettes to New York State residents at prices that do not include state taxes. Sales to city residents must also include city taxes. They must file monthly report of sales and/or shipments (including names, dates, addresses, quantities, prices and brands for each sale or shipment, orga-

nized by city, town or zip code) to New York City departments and tax administrators in states where cigarettes are sold. They must also identify the contents of shipments as cigarettes and adopt an age verification procedure in line with the PACT Act and limit single sales or deliveries to 10 pounds.

The ruling against the Wolfpack defendants is the latest of a series of recent laws and lawsuits to control the once robust Indian tobacco economy. Turtle Talk, the Indigenous Law and Policy Center Blog at Michigan State University College of Law, maintains a list of recent cases.

<http://bit.ly/15abuqt> 

Allegations that wholesalers and distributors violated a welter of statutes are being challenged by the defendants.

tigator placed orders with Wolfpack for several cartons of cigarettes by filling out a mail order form and attaching a money order. The cartons cost less than \$35 each, "meaning that the cigarettes were not taxed," the lawsuit says.

The Wolfpack defendants countered the allegations, arguing among other things that the PACT Act violates the Constitution's due process clause. They cited the case of *Red Earth LLC v. United States*, in which the 2nd Circuit Court of Appeals upheld an injunction of the PACT Act's provision that requires cigarette delivery sellers to pre-pay state taxes. But the district court dismissed that

Trolling for Dollars

Tribal clout on Capitol Hill **BY ROB CAPRICCIOSO**

Bottom Line: *The abundance of tribal visits to Washington earlier this month offered an enlightening look at the delicate dance for dollars between Native constituencies and elected officials.*

The week of September 9 was a big one for tribal visits to Washington, D.C. Tribal leaders used their time in the nation's capital to lobby federal officials for protection of the federal-tribal trust relationship while trying to stave off budget cuts, enhance tribal sovereignty, and get more federal dollars flagged for reservation economic development.

Members of Congress were sympathetic to these causes. But they also couldn't help but see dollar signs. Ever worried about winning the next election cycle, legislators from both sides of the aisle were quick to hit up tribal leaders for big bucks.

They had plenty of opportunity. There was a fancy shindig at Vice President Joe Biden's House, where Indian bigwigs like Jackie Johnson Pata, John Dossett, Terri Henry, and Jodi Gillette celebrated the passage of the pro-tribal sovereignty Violence Against Women Act earlier this year. A meeting of the National Congress of American Indians (NCAI) that focused on the budget crisis, sequestration and tax issues saw dozens of tribal leaders express concerns. There were Indian health-focused meetings with the Department of Health and Human Services and the Office of Management and Budget.

On the Republican side, Rep. Tom Cole (Oklahoma) hosted a breakfast for his friend and fellow House member Mike Simpson (Idaho) on September 12 at the exclusive Capitol Hill Club. The event was publicized and promoted by NCAI as part of its "Impact Days" meeting, and tribal leaders were encouraged to attend. Tickets ranged from \$500 to \$2,500.

Cole told Indian Country Today Media

Network that he was proud to host the breakfast, as he believes it is important for Indians to support Simpson. "Mike Simpson has been a real leader as chairman of the Interior appropriations subcommittee," said the Chickasaw Nation citizen. "He deserves it."

Democrats got in on the fundraising action in an ever bigger way, with the Democratic Congressional Campaign Committee on September 13 hosting a tribal fundraiser coffee reception at the Democratic National Committee headquarters, where tickets also ranged from \$500 to \$2,500. Tribal leaders were asked

'Our so-called friends in Congress are not always willing to go to bat for us... If we are going to support them, we have to see results.'

to support the campaigns of Democrats Ron Barber, Ann Kirkpatrick and Kyrsten Sinema (all of Arizona), Ami Bera, Julia Brownley, Scott Peters, Raul Ruiz and Lois Capps (all of California), Suzan DelBene (Washington), Pete Gallego (Texas), Joe Garcia and Patrick Murphy (both of Florida), and Dan Maffei and Bill Owens (both of New York).

Chris Stearns, a Navajo lawyer with Hobbs Straus and a Native-focused campaign organizer, said he is pleased that Democrats reached out to tribal leaders, and he thinks the current situation in Congress reflects a growing level of tribal clout in the American political system.


"I think that...tribes have now demonstrated success at the local and state levels in a way that is very powerful and deep," Stearns said. "You are seeing a trickle-up effect. In fact, many of the new members of Congress already have a good familiarity with tribes from their days in lower office. So, tribes still bring the money, but now they bring more political clout, ties, and collegiality."

Tribes have also presented themselves as major financial players on the national level. Data from July 2012 show that by that point, tribes had given approximately \$4 million to President Barack Obama,

Republican presidential nominee Mitt Romney, and the Democratic and Republican Parties—not to mention localized and state-centric donations where tribes in Washington state alone have spent \$1.1 million on political campaigns since the beginning of 2011.

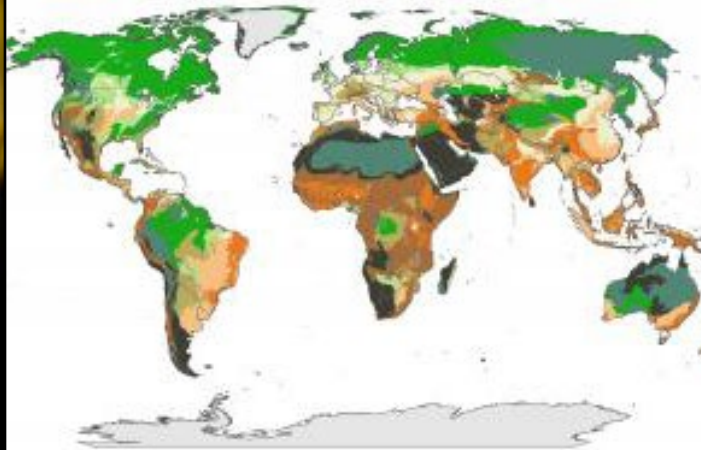
Kalyn Free, a long-time Democratic Indian strategist and a Choctaw Nation citizen, also sees positives in the growing campaign finance outreach from Congress to tribes. "As the fundraising increases, so does tribal influence with key lawmakers," Free said. "We have made huge strides in a relatively short amount of time. As tribes become more comfortable in the political dialogue, it in turn raises the profile of issues critical to Native communities."

Not all tribal leaders are convinced that these expensive fundraising festivities are worth it. Ed Thomas, president of the Central Council of Tlingit and Haida Indian Tribe, lamented the current national budget situation and cuts to tribal programs at a time when tribes were being asked for major financial donations.

"Our so-called friends in Congress are not always willing to go to bat to take lumps for us," Thomas said. "I expect our friends to do something bold for us. If we are going to support them, we have to see results." <http://bit.ly/156H8zy> 



The money laundering conviction of former House Majority Leader Tom DeLay, infamous in Indian Country, was overturned by a Texas court.



This 'vulnerability map,' created by the Wildlife Conservation Society, spotlights the susceptibility of the world's regions to climate change.



Nez Perce tribal member and championship runner Xavier Guillory is an All America athlete at only 12 years old.



The peaceful welcome to the Yankton Sioux Nation belies the killing of four horses who escaped from their pen and were shot by a neighbor.

AP IMAGES; COURTESY WCS; COURTESY THE GUILLORY FAMILY

Keepseagle Plan Challenged

Federal government goes to court **BY ROB CAPRICCIOSO**

Bottom Line: *The \$380 million in unclaimed Keepseagle settlement funds won't go to a proposed agricultural foundation if the USDA gets its way.*

The U.S. Department of Agriculture has filed a legal challenge to a plan by the lawyers for the *Keepseagle* plaintiffs that would allow the lawyers to create an agricultural foundation using a substantial chunk of unclaimed money meant to be awarded to Indian farmers.

The government's response to the plan, filed September 17 in D.C. District Court, finds legal flaws with the lawyers' approach, which calls for the creation of a "legacy foundation" to receive \$380 million of unclaimed settlement funds, known as cy pres funds.

"[G]ood reason exists to believe that the parties might not be able to agree to the sort of amendment that the plaintiffs propose: plaintiffs are proposing a modification that appears to be in tension with limits on the use of cy pres funds," the USDA's motion reads.

The lawyers, of the Cohen Milstein firm, have said previously that the foundation is intended to "establish a long-standing and robust funding stream for nonprofit organizations that assist Native American farmers and ranchers." The lawyers filed their proposal with the court on August 30.

The Choctaw Nation opposed the lawyers' plan in a motion filed with the court September 5. Like the USDA, the tribe is arguing that the lawyers' plan is problematic. Tribal leaders believe their Jones Academy Foundation should be considered to receive \$58.5 million of the unclaimed funds, in accordance with the current agreement.

"[W]e don't need a new foundation; we already have tribal foundations," Brian McClain, a legislative advocate with the

tribe, told Indian Country Today Media Network. "We don't need a new organization; we already have hundreds of organizations—we call them tribal governments. What we lack is enough money to meet the needs of our members, including farmers and ranchers."

The USDA's motion notes that the *Keepseagle* lawyers have flexibility under the current settlement agreement to award the leftover money to non-profit organizations it chooses. But the lawyers want to forge a different path—one that

'We don't need a new organization; we already have hundreds of organizations—we call them tribal governments.'

USDA officials finds hard to justify.

"If the USDA does not agree to the foundation, plaintiffs suggest that they might file a Rule 60(b)(5) motion to change the terms of the Agreement to allow for its creation," the government response states. "This suggestion appears to be flawed. Rule 60(b)(5) permits Courts to 'relieve a party. ... from a final judgment' if 'applying it prospectively is no longer equitable.' But the judgment in this case does not incorporate the cy pres provisions that would need to be amended to facilitate the creation of the planned foundation (e.g., the provision requiring that the funds go to an existing entity)."


The response continues: "[N]o change to the final judgment that the Court

could order would permit the creation of the foundation. But even if the relevant provisions were part of the final judgment, relief under Rule 60(b)(5) likely would be inappropriate because, among other reasons, there is nothing '[in]equitable' about distributing the cy pres funds according to the existing Agreement."

The agency says it is not opposed to modifying the agreement altogether. "The USDA may be willing (1) to expand the definition of Cy Pres Beneficiaries to include entities such as educational institutions and (2) to eliminate the requirement that the cy pres funds be distributed to beneficiaries in equal shares. These are just examples of changes that could be sufficiently narrow and appropriate," according to the response. "The USDA is open to other potential changes, including how best to structure the distribution of the funds."

But it reaffirms that "the USDA disagrees with the preliminary proposal to funnel all \$380 million of the cy pres fund to an entity that both does not yet exist and that will use the money from this settlement for the 'indefinite future,' particularly when there are existing organizations that meet the current 'cy pres' definition and other options that are more closely tied to the stated goal of the settlement."

The USDA asked the court for another 60 days to discuss the issue with the plaintiffs. Pam Avery, a spokeswoman for the *Keepseagle* lawyers, said they plan to file a response in court September 24.

The \$760 million settlement, approved by the court in April 2011, designated \$680 million for Native American farmers who had faced discrimination from the U.S. Department of Agriculture over a period of several years. Approximately \$230 million was claimed. The large amount of leftover funds in this instance is unusual, according to legal experts. <http://bit.ly/19dMoEb> 



**Clearwater Casino & Lodge (Lewiston, ID) is currently accepting applications for:
GENERAL MANAGER**

Requires a Bachelors Degree from an accredited four (4) year college or university in Casino Management, Business or related field.

Must be able to obtain a Nez Perce Tribal Gaming License.

Requires a valid driver's license with the ability to be insured under the Tribe's policy. (Please submit a Motor Vehicle Report (MVR) with your application packet).

Requires ten years gaming and hotel hospitality, and event/conference center management experience with five (5) years verifiable experience in a General Manager or Casino Executive Management level position for a similar size property, preferably for a Native American owned property. Requires five (5) years supervisory experience.

Tribal Preference will apply. For qualification requirements you may e-mail us at hr@crcasino.com. Applications are available on-line at www.crcasino.com



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CHIEF OPERATIONS OFFICER**

POSITION SUMMARY AND GENERAL RESPONSIBILITIES:

The incumbent is responsible for overall supervision and coordination of all activities with all TIHP Departments, serving as liaison between the Executive Director and department directors. Develops and implements the operational plan to follow-up from the goals outlined within the TIHP Strategic Plan; developing plans and delivering decisions in concert with the Executive Director; and carrying out the overall operational goals as specified by the Executive Director.

QUALIFICATIONS:

- 1.) Masters Degree in Business Administration, Public Health, or a healthcare-related field, and four (4) years of significant management experience at the executive level in a healthcare services organization; or combination of equivalent education and management experience in a healthcare-related field.
- 2.) Specialized Experience:
 - A.) Experience in performing, supervising or directing work with demonstrated ability in the utilization of supervisory techniques in program management and control;
 - B.) Demonstrated ability to coordinate components of a comprehensive health service program as evidenced by academic training and /or equivalent experience in Public Health, or Governmental Administration; and
 - C.) Demonstrated ability to meet with, solicit the cooperation of, and deal effectively with Tribal Councils, Indian health boards & committees, individuals, and public & private agencies.
- 3.) Must be sensitive and possess an awareness and keen appreciation of Indian traditions, customs, and socioeconomic needs of the Indian community. American Indian preference in accordance with Indian Preference Act (Title 25, U.S. Code, § 472 & 473).

SALARY & BENEFITS:

TSS-15 starting salary of \$99,402 - \$118,691 but negotiable DOE; Full-time, Exempt status position eligible for all TIHP benefits.

For more information, a complete job description and application, please contact Toiyabe Administration office at (760) 873-8464 or 1-877-776-8100; or visit the website at www.toiyabe.us Toiyabe is an EOE within the confines of the Indian Preference Act (Title 25, U.S. Code, § 472 & 473).

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<http://bit.ly/18Ek77y>

OKLA. FREEDMEN ASKING COURT FOR CITIZENSHIP RULING

<http://bit.ly/16nk007>

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<http://bit.ly/1btNiB6>

NORTHWEST TRIBES GATHER AT 60TH ANNUAL CONVENTION

<http://bit.ly/1gEmCM5>

Upcoming Events

27TH ANNUAL AMERIND CONFERENCE & TRADE FAIR SEPTEMBER 24-26

The only 100 percent Native American owned and operated insurance provider in Indian country presents “Coming Together: Community, Connection, and Collaboration” to offer new solutions to tribes’ real-world issues. Participants will learn about the latest insurance products and services, build their networks and attend education sessions conducted by risk management experts. Multiple exhibits from emergency management and repair services, financial institutions, consultants, suppliers and other business services will be featured.

Location: Hilton Anchorage, Anchorage, Alaska

NATIVE AMERICANS IN PHILANTHROPY (NAP) WEBINAR SEPTEMBER 25

This free one-hour webinar affords learning opportunities on low-cost donation platforms for your nonprofit organiza-

tion. Presented by Kevin Heffelfinger, fundraising consultant on the Network for Good’s nonprofit membership team.

Contact: www.nativephilanthropy.org

ABORIGINAL PERSPECTIVES ON CHILD AND YOUTH MENTAL HEALTH SEPTEMBER 25-27

Following a keynote address on policy, research and education, the conference will survey the landscape of child and youth mental health issues and how they developed. What can be done to address such issues through family and community healing models of intervention will then be broached. Part of the Wabano Centre for Aboriginal Health’s “Culture as Treatment” series to provide ongoing training and development for service providers working with Aboriginal communities of all ages.

Location: Wabano Centre for Aboriginal Health, Ottawa, Ontario

21ST ANNUAL FOUR CORNERS INDIAN COUNTRY CONFERENCE SEPTEMBER 26-27

“Pathways to Multidisciplinary Justice” will focus on crisis response and trauma, multi-disciplinary treatment teams,

human trafficking, crime victim compensation, representing child victims in federal court, and abusive head trauma and child abuse. Hosted by the U.S. Attorney for the District of Arizona and sponsored by the U.S. Attorney’s Offices for Arizona, Colorado, New Mexico and Utah, as well as the Office for Victims of Crime of the U.S. Justice Department.

Location: Scottsdale Plaza Resort, Scottsdale, Arizona

TRANSNATIONALISM AND MINORITY CULTURES: MID-AMERICAN CONFERENCE SEPTEMBER 26-28

Among the Native- and indigenous-themed speeches and sessions will be “Race, Gender and Afro-Diasporic Networks on the Caribbean Coast of Central America,” “Visions of Home: Gender and the Politics of Indigenous Transnationalism,” and “Indigenous Peoples and Socio-Environmental Justice.” Specific presentations include “Reverse Relocation: Urban Indians’ Return to and Influence on a Changing Indian Country” and “Off-Rez: American Indians in Chicago.”

Location: University of Oklahoma, Norman, Oklahoma

LETTERS TO THE EDITOR

I have followed the Baby Veronica case since viewing the Phil McGraw show in October 2012. I have read virtually everything out there on the subject. I am dismayed at how slothful and inaccurate the majority of news agencies have been in their coverage, including Nina Totenberg on NPR (a source I had previously relied on for

careful, informed objective reporting). The tacit and otherwise open support against the ordeal of Veronica’s father, Dusten Brown, has been profoundly disappointing.

This may be a little off topic, but I conclude this to be true of media reporting in general. Such biased, inaccurate journalism does not serve us.

But I am thankful to Indian Country Today Media Network for its coverage of this and other well informed stories. Kudos! I am smudging and offering deep prayers for that darling child and implore Creator to watch over her for Baby Veronica’s safety and well being.

—Penny Jean Vogt
Los Angeles, California

Let us know what you think. To have your letter to the editor considered for publication, please email us at editor@ictmn.com

**SAN CARLOS APACHE TRIBE
HUMAN RESOURCES DEPARTMENT**



CERTIFIED MEDICAL CODER

Seeking an EXPERIENCED Medical Coder for the San Carlos Apache Tribe Department of Health and Human Services to analyze and code diagnostic and procedural information that determines Medicare, Medicaid and private insurance payments. Must be certified.

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Deidre Antonio, Recruitment
Ph: (928) 475-2361 Ext. 244
Email: antonio.d94@hotmail.com

Ron Ritter
Ph: (928) 475-2798
Email: ron.ritter@scat-nns.gov

AR-0008080434-01

CHILD AND FAMILY SERVICES DIRECTOR

The Pechanga Band of Luiseno Indians is seeking applications to hire the position of Child and Family Services Director.

Summary: Provides leadership and direction for the coordinated management system of the Child and Family Services Department. The Child and Family Services Director is responsible for all administrative functions associated with the overall operations of the Pechanga Child and Family Services (PCFS) Department. Furthermore, directorship responsibilities extend to the operations of the PCFS' Office and the overall financial management of PCFS.

Minimum Qualifications:

- Must have a minimum of Bachelors degree in the Human Services field such as: Social Work, Sociology, or Psychology.
- A minimum of five (5) years of work experience in Family Court proceedings and social services staff supervision.
- License in Social Work (LBSW, LMSW), Chemical Dependency Counselor (LCDC), Marriage and Family Counselor (LMFT) and/or licensed Professional Counselor (LPC) preferred.
- Knowledge of social and health services and community resources.

Position closes September 30, 2013. For complete Job Announcement and application go to WWW.PECHANGA-NSN.GOV . Send resume and application to HR@PECHANGA-NSN.GOV

Hiring Preference: The Pechanga Tribal Government is an equal opportunity employer. However, as permitted by applicable law, the Pechanga Tribal Government will at all times and for all positions give hiring, transfer, and promotion preference to qualified applicants in the following order: 1) Pechanga Band of Luiseno Mission Indians Members; 2) Pechanga Band of Luiseno Mission Indians Spouses; 3) Other American Indians; and 4) all others.

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Rick Reilly

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AMERICAN
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ME HEEPUM BIG
WHITE MAN HERE
TO TELL YOU WHAT
YOU CAN AND
CAN'T BE
OFFENDED BY.

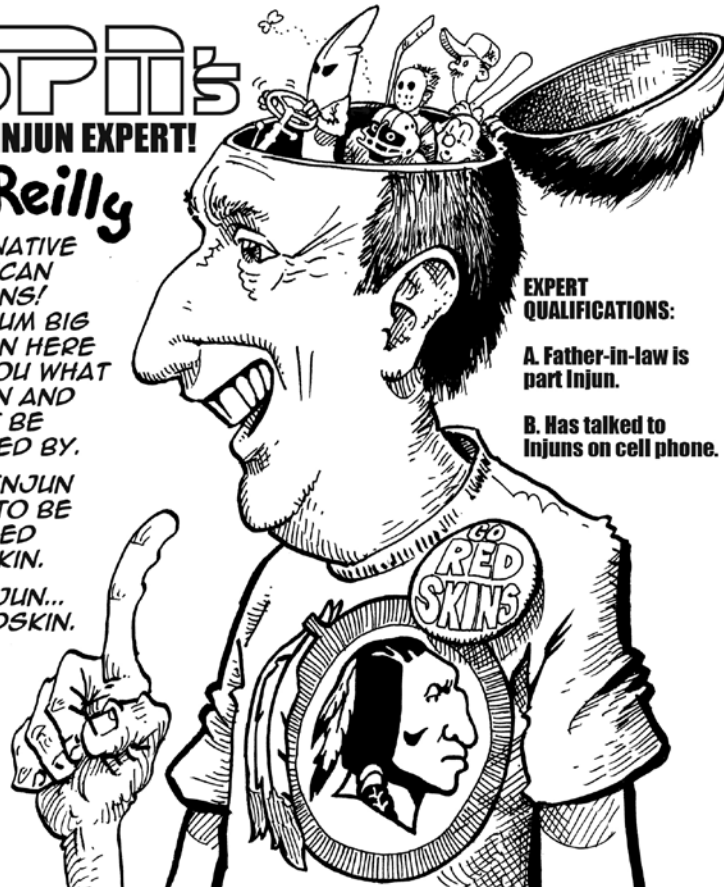
GOOD INJUN
LOVES TO BE
CALLED
REDSKIN.

BAD INJUN...
BAD REDSKIN.

**EXPERT
QUALIFICATIONS:**

**A. Father-in-law is
part Injun.**

**B. Has talked to
Injuns on cell phone.**



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TOP NEWS ALERTS



From IndianCountryTodayMediaNetwork.com

NATIVE LAWYER AND ADVOCATE WALKS ON

Chastity Bedonie, who was committed to improving the lives of Native Americans, walked on September 15 at the age of 39. A member of the Navajo Nation and a native of Farmington, New Mexico, she received her law degree from UCLA before serving on the staff of Rep. Brad Carson, the National Indian Gaming Commission and the Senate Committee on Indian Affairs. She also previously served as an attorney with Akin Gump Strauss Hauer & Feld where she represented tribal governments.

COMMUNITY FUNDING FROM TREASURY DEPARTMENT

Native communities will receive more than \$12.4 million from

the U.S. Native American CDFI Assistance Program of the Treasury Department's Community Development Financial Institutions Fund. The funds will support economic and community development through 35 organizations. The recipients all have a common goal: to increase lending and financial services in Native communities, stimulating economic development in some of the most distressed and low-income parts of the country.

GUN LAKE GOVERNMENT CENTER MOVES FORWARD

The board of Wayland Township, Michigan has approved the rezoning of more than 40 acres, allowing plans for the Gun Lake Tribe's new government complex to move forward. The

land was rezoned from agricultural to general commercial use at the board's meeting on September 3. The complex, when finished, would accommodate 100 employees. The architectural firm in charge of the complex hopes to put the finishing touches on its site plan within the next few months.

SHELLY TALKS HOUSING WITH HUD SECRETARY

At a meeting on September 12 with Secretary of Housing and Urban Development Shaun Donovan, Navajo Nation President Ben Shelly stressed the need for tribal sovereignty, self-determination and above all, Shelly said, "the housing needs of the Navajo people and our full commitment to fixing issues that

have created backlogs." Shelly estimated that between the so-called Bennett Freeze Area and current needs, the Navajo require \$13 billion in housing.

MINING GIANT ABANDONS ALASKA EFFORTS

Anglo American, the British mining giant, has given up on its plans to develop Pebble Mine in Alaska. The decision came amid increasing scrutiny over what effects the mine would have on the salmon run at Bristol Bay, which produces about half the world's supply of wild red salmon. Anglo American's decision leaves Northern Dynasty Minerals of Canada as the last outfit that is still attempting to develop the controversial Pebble Mine project.

UPCOMING POW WOWS

National Indian Days Celebration & Pow Wow

September 27 - September 29,
White Swan, Washington
Contact: 509-949-5647
yak49er@yahoo.com

Last Chance Community Pow Wow

September 27 - September 29,
Lewis & Clark County Fairgrounds, Helena, Montana
Contact: Linda Dishon
406-439-5631
lccpw@hotmail.com
LCCPWHelena.com

Kaua'i Pow Wow

September 27 - September 29,
Kapa'a Beach County Park,
Kaua'i, Hawaii
808-635-1199
kauaipowwow@gmail.com
KauaiPowWow.com

Cedar River Pow Wow

September 27 - September 29,
Mitchell County Conservation Center, Osage, Iowa
Contact: Julie Martineau or Betty Whippe
319-208-4707
cedar.river.powwow@aol.com

23rd Annual Thunder and Lightning Pow Wow

September 27 - September 29,
Pow Wow Grounds, Cabazon, California
888-MOR-ONGO
Morongo.com

22nd Annual Comanche Nation Fair

September 27 - September 29,
Comanche Nation's Complex Ground, Lawton, Oklahoma
Contact: Tomoah Yeahquo
580-492-3384
catherinef@cne.com
ComancheNation.com

20th Annual Standing Bear Pow Wow

September 27, Standing Bear Park, Ponca City, Oklahoma
Contact: 580-762-1514
info@standingbearpark.com
PoncaCity.com

Indian Trail Pow Wow

September 28 - September 29,
100 Navajo Trails, Indian Trail, North Carolina
MetrolinaNativeAmericans.com

14th Annual Permian Basin Inter-Tribal Pow Wow

September 28 - September 29,
Odessa College Sports Center, Odessa, Texas
TransPecoAmericanIndainAssn.com

Festival of Native American Culture

September 28 - September 29,
Camp Verde Community Center, Camp Verde, Arizona
Contact: Ken Zoll
928-567-0066
center@verdevalleyarchaeology.org
NAFestival.org

Echota Cherokee Tribe of Alabama Pow Wow

September 28 - September 29,
Oakvilly Indian Mounds Education Center, Danville, Alabama
Contact: Faron Weeks
256-734-7337
faron.weeks@gmail.com
EchotaCherokeeTribe.Homestead.com

35th Annual Council of Three Rivers American Indian Center Pow Wow

September 28 - September 29,
Council of Three Rivers American Indian Center, Dorseyville, Pennsylvania
Contact: Mike Simms
412-292-7683
rsimms3671@msn.com
COTRAIC.org

Chemawa's Back to School Pow Wow

September 28, Chemawa Indian School, Salem, Oregon
Contact: 503-399-5721 x 225
karen.serna@bie.edu
chemawa.bie.edu

32nd Annual Mt. Juliet Pow Wow

September 28 - September 29,
Mundy Memorial Park, Mt. Juliet, Tennessee
Contact: 615-443-1537
cindy@yahoo.com
myjulietpowwow.com
MtJulietPowWow.com

22nd Annual Fort Omaha Intertribal Pow Wow

September 28, Metropolitan Community College, Omaha, Nebraska
Contact: Barbara Velazquez
402-457-2253
bvelazquez@mccneb.edu
MCCNEB.edu

11th Annual Gathering: A Woodland Indian Celebration

September 28 - September 29,
27174 Hull Prairie Road, Perrysburg, Ohio
Contact: 419-381-7042
perrysburgpowwow@hotmail.com
BlackSwampInterTribalFoundation.com

San Geronimo Feast Day

September 30, Taos Pueblo, New Mexico
Contact: 575-758-1028
tourism@taospueblo.com
Taos.org

101st Annual Cherokee Indian Fair

October 1 - October 5,
Cherokee Indian Fairgrounds, Cherokee, North Carolina
Contact: Howard Wahneta
828-554-6471
howawahn@nc-chokeee.com
VisitCherokeeNC.com

25th Annual Mehrrin Indian Nation Pow Wow

October 4 - October 6,
Ahoskie, North Carolina
Contact: Joseph Jordan
770-873-8785
[Facebook.com/](http://Facebook.com/events/374130539360708/)
events/374130539360708/

Washunga Days Pow Wow

October 4 - October 6,
Kaw City, Oklahoma
Contact: 580-269-2552
rbellmard@kawnation.com
KawNation.com

Keetoowah Cherokee Pow Wow

October 4 - October 5,
Keetoowah Celebration Grounds, Tahlequah, Oklahoma
Contact: 918-431-1818
jbyrd@unitedkeetoowahband.org
UnitedKeetoowahBand.org

Hardy Turtle Island Annual Pow Wow

October 4 - October 6,
Loberg Park, Hardy, Arkansas
Contact: 870-972-6995
OldHardyTown.net

21st Annual Indigenous Peoples Day

October 5, Martin Luther King Jr. Civic Center Park, Berkeley, California
Contact: 510-595-5520
info@ipdpowwow.org
IPDPowWow.org

25th Annual West Valley College Pow Wow

October 5, West Valley College Lawn, Saratoga, California
Contact: 408-741-2492
jose.bautista@westvalley.edu
WestValleyPowWow.org

Sacred Springs Pow Wow

October 5, Aquarena Center, San Marcos, Texas
Contact: Maria Rocha
512-393-3310
iciinfo@indigenouscultures.org
IndigenousCultures.org

Fifth Annual Lucerne Valley's Big Time Gathering and Intertribal Pow Wow

October 5, Pioneer Park, Lucerne Valley, California
Contact: Ophelia Sow'ally Porter
760-885-5924
ophelia@nativeamericanbead.com
sites.Google.com/site/bigtimepowwow

39th Annual Honolulu Intertribal Pow Wow

October 5 - October 6, Thomas Square Park, Honolulu, Hawaii
Contact: Mae Prieto or Dr. David Bevelt
808-392-4479 or 808-783-7527
honolulupowwow@gmail.com
HonoluluIntertribalPowWow.com

SACNAS Pow Wow 2013

October 5, Henry B. Gonzalez Convention Center, San Antonio, Texas
Contact: Annabel Ortiz
831-459-0170 x 231
annabel@sacnas.org
SACNAS.org

18th Annual Chumash Intertribal Pow Wow

October 5 - October 6,
Live Oak Campground, Santa Ynez, California
Contact: 805-688-7997
info@santaynezchumash.org
SantaYnezChumash.org

12th Annual Cumberland Plateau Pow Wow

October 5 - October 6,
Putnam County Fairgrounds, Cookeville, Tennessee
Contact: 931-544-4908
iicpowwows@yahoo.com

THE SLOWER LANE
OUTGOING NIGC CHAIR
TRACIE STEVENS TALKS
ABOUT LIFE AFTER D.C.



THE LUXE LIFE
MAJOR EXPANSIONS FOR
GILA RIVER, MOHEGAN SUN &
TURNING STONE

**SPECIAL 2013
CONVENTION ISSUE**

Indian Country

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THE PREMIER NEWSMAGAZINE SERVING THE NATIONS, CELEBRATING THE PEOPLE

HIGH STAKES HIGH REWARD

GLOBAL GAMING 2013



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Sequoyah

Inventor of Cherokee
syllabary writing.

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A LETTER FROM THE PUBLISHER

Shekóli. Just as the gaming floor is the economic engine of the many wonderful casinos and resorts in Indian country, these gaming destinations also serve as a major economic engine for diversification and growth in our tribal nations. From modest beginnings as bingo halls and card games on tribal territories, Indian country gaming in 2012 has expanded to 420 gaming establishments operated by nearly 240 tribes in 28 states. According to the National Indian Gaming Commission, Indian country generated gross gaming revenues of \$27.9 billion, a new annual record, and an increase of three percent from the totals in 2011.

As with all maturing and competitive business environments, the general gaming landscape contains challenging terrain. There are still signs of recovery from the economic crisis of 2008 in terms of household spending, and the debate on the prospect of Internet gaming presents elements of uncertainty for the future. This special print issue of *This Week From Indian Country Today*, published for distribution at Global Gaming Expo 2013, features the kind of in-depth reporting and celebration of success stories in our world that readers have come to expect. As National Indian Gaming Association Chairman Ernie Stevens Jr. tells correspondent Gale Courey Toensing in this issue, "Indian country knows about struggling economies. That's why tribes are doing well—they're working their way through the

struggle because this has always been our world."

Not only are tribes doing well, but evidence abounds throughout these pages of the financial benefits that successful tribal gaming enterprises bring to local economies in the form of jobs and development and state coffers. Also, the spirit of philanthropy is running as strong as ever, led again this year by the Shakopee Mdewakanton (the largest employer in Minnesota's Scott County), which has donated more than \$10 million to 18 tribes in eight states.



We hope you find this edition of our magazine to be informative and indicative of the importance and strength of tribal resorts and casinos. The contents of the magazine will also be distributed digitally as part of Indian Country Today Media Networks thriving new e-newsletter mailings. The evolution of

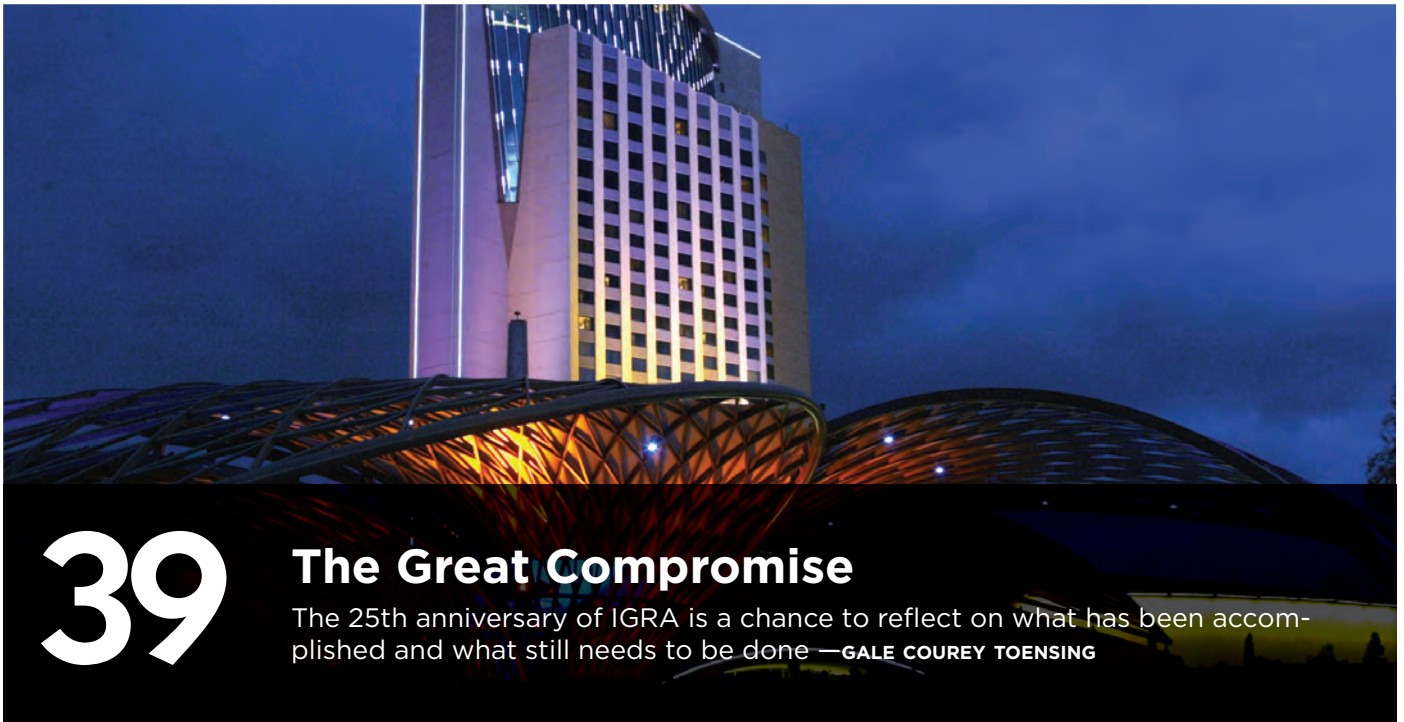
this media outlet reflects our ever-changing world, and the need to represent the best of Native culture with high-end technology. We thank you for your support.

Na ki' wa,

Ray Halbritter



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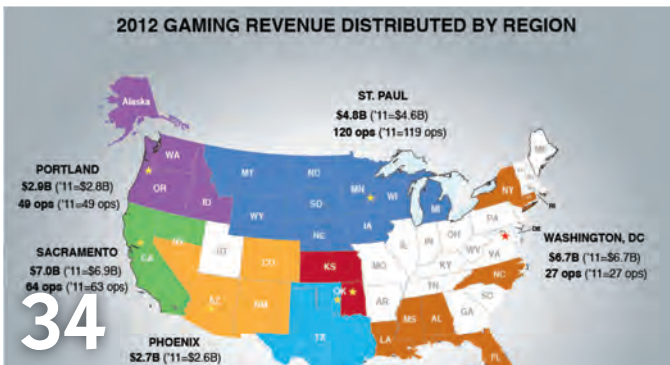


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Global gaming, from Australia to Zimbabwe—and most places in between

We've Had A Busy Summer



Shingle Springs
Band of Miwok Indians

**\$15 Million Revolver
\$230 Million Term Loan B**

August 2013

TFA Securities acted as
Financial Advisor



Shingle Springs
Band of Miwok Indians

**\$260 Million
Senior Notes**

August 2013

TFA Securities acted as
Financial Advisor



Quechan Tribe of the Fort Yuma
Indian Reservation

**\$107 Million Senior
Secured Credit Facility**

August 2013

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Twenty-Nine Palms
Band of Mission Indians

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December 6th - 8th

2013



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TABULATOR Mariea Jones
TABULATOR Christina Johnson

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Point system in effect for dance and drum contest.

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GRAND ENTRY TIMES

Friday, December 6th
at 7:00pm

Saturday, December 7th
at 1:00pm & 7:00pm

Sunday, December 8th
at 1:00pm

DANCE CONTEST

	1st	2nd	3rd	4th
Men's 18 to 54 N. Traditional, S. Straight, Grass Northern Fancy, Southern Fancy, Chicken Dance	\$1,000	\$800	\$600	\$300

Women's 18 to 54 N. Traditional Buckskin, S. Traditional Buckskin N. Traditional Cloth, S. Traditional Cloth, Jingle, Fancy Shawl	\$1,000	\$800	\$600	\$300
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Senior Men's 55 to 64 N. Traditional, S. Straight (Grass and Fancy Combined)	\$1,000	\$800	\$600	\$300
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Senior Women's 55 to 64 N. Traditional, S. Traditional (Jingle and Fancy Shawl Combined)	\$1,000	\$800	\$600	\$300
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Men's Golden Age 65 & Up N. Traditional, S. Straight	\$1,000	\$800	\$600	\$300
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Women's Golden Age 65 & Up N. Traditional, S. Traditional	\$1,000	\$800	\$600	\$300
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Teen Boys 13 to 17 N. Traditional, S. Straight, Grass, Fancy	\$325	\$225	\$125	\$100
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Teen Girls 13 to 17 N. Traditional, S. Traditional, Jingle, Fancy Shawl	\$325	\$225	\$125	\$100
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Junior Boys 7 to 12 (N. Traditional and S. Straight Combined) (Grass and Fancy Combined)	\$150	\$100	\$75	\$50
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Junior Girls 7 to 12 (N. Traditional and S. Traditional Combined) (Jingle and Fancy Shawl Combined)	\$150	\$100	\$75	\$50
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Tiny Tots 6 and under will have an exhibition dance

INFORMATION

VENDOR INFORMATION:

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GENERAL INFORMATION:

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Is Your Casino Truly a Place for Everyone?

BY ANN ZENOR



It's always very interesting to see how people react when I tell them my company provides hourly child care in resorts, spas and casinos. Their expression is at first

quizzical, followed by an incredulous tilt of the head and then chased by a set of pointed questions. "What? Child-care in a casino? How does that work? Aren't you just enabling gamblers?"

The answer I have is simple:

Kids Quest and Cyber Quest exist so that children can have their own fun while vacationing at casino-based resorts. Our concept creates a space for kids to play happily and safely while their parents explore and enjoy all our host properties have to offer. The world has changed. Casinos are no longer just about gaming. Casinos have evolved.

In fact, a recent study reported that nongaming amenities have surpassed slots and table games as a source of revenue for many casino-resort properties. People don't go to casinos to just roll dice or push buttons on a slot machine—they can now indulge in world-class dining, a massage or facial, a round of golf, a movie, a few games of bowling, or a concert. In fact, they may even pull out their credit cards and do some great retail shopping as well. Casinos are fast becoming entertainment centers offering the very best leisure options for entire regions—a community hub hosting activities for a wide variety of clientele.

The economy necessitated a re-evaluation of the marketplace, and the result pushed casinos to diversify the ame-

nities they provided to broaden their appeal as "destination resorts." With more families being attracted to the "new casino," a proactive response becomes necessary not only for business reasons—ethically it's the right thing to do. Bottom line, you simply can't build a hotel, add luxury swimming pools, lazy rivers, water parks, bowling alleys,

Kids Quest and Cyber Quest exist so that children can have their own fun while vacationing at casino-based resorts.

movie theaters and concert venues, and then ignore the fact that your property will attract families with children.

There have always been ethical challenges with bringing little ones into a gaming-based environment, and nowhere is it more thoughtfully debated than within tribally owned casino board rooms and council meetings. Respecting the family is the very core of the Native culture, never a subject to be taken lightly. Gaming has proven to be a very successful venture for the various bands, nations and tribes in this country. In fact, tribally owned casinos are designed to rival the finest properties in the world, and with that progressive thinking they too have included features and amenities that inevitably bring

families to their resorts. The responsible thing to do is be prepared for the needs of the new guest base.

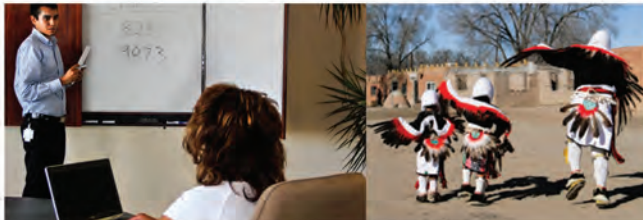
Such is the case with child care. If proactive measures are not in place for families (and options are limited), children can be left unsupervised in hotel rooms and cars, or left wandering a gaming property alone. This is where moral obligation comes into play. If child care is readily available, people will do the right thing. They just need casino ownership to allow them to do that.

Parents love their children and will travel with them in tow, but there will always be a need to spend time apart, in order to reconnect with their spouse, partner or friends. Most adults need just a few hours to be on their own, or to feel like a couple again, and to restore themselves, so they can be better parents—well-rested, intellectually stimulated and spiritually revived parents.

To that end, I will say that those at Kids Quest are indeed enablers. They enable adults to enjoy much-needed free time, they enable children to partake in play time, and ultimately they enable our business partners to say they have fully addressed the needs of their guests and promoted responsible gaming practices. 🍀

Ann Zenor is a graduate of Iowa State University with a bachelor's degree in art education and fine art. She taught preschool for The Learning Tree, and designed toys for Manhattan Toy and other companies specializing in child development. In 2005 she went to work for New Horizon Companies in its Kids Quest and Cyber Quest divisions. She currently serves in a variety of capacities for the company. In her free time she enjoys her yellow Labrador, Ames.

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Tribal Strength Through Economic Diversification

BY JAMIE FULLMER



The potential impact of Internet gaming legalization was a major topic at the National Indian Gaming Association (NIGA) convention in March. Another

critical topic, not surprisingly, was economic diversification and tribes' ability to pursue and manage the process of planning for change.

Legalization of online gaming is gaining traction; a few states already have passed legislation allowing it. It has been estimated that should this trend continue, Indian gaming revenues could take a hit of up to 25 percent. This would be disastrous for many tribal communities whose economies are built upon gaming revenue as their sole economic pillar.

If there is a bright side to the potential challenges in the gaming industry, it is that many progressive, forward-thinking tribal leaders have been planning for this day. As sovereign governments, tribes must work to ensure a steady stream of revenues to fund services and provide for the well-being of their communities and citizens for generations to come. Recognizing that there are potential declines in gaming returns, tribes have prioritized economic diversification. Several tribes around the country have made disciplined steps to reach their future goals of having a diverse portfolio of economic initiatives to balance out their revenue opportunities for the future.

However, diversification and strategic planning is not a simple process. Successfully growing and diversifying tribal economies requires leaders to engage in critical deliberations about what kind of

society they have now and what they're trying to build for the future. This often seems like quite a long-term task, one that might involve extensive polling of community members and internal political disagreements along the way. It doesn't have to be. Initial half-hour discussions between tribal leaders and Blue Stone Strategy Group have often led to strategic plans that include a thoughtful, community-centered vision and a starting point for moving forward with economic diversification initiatives. It is important to start somewhere.

Tribes should have a solid grasp of economic and social priorities early on in their diversification plan. Asking questions such as, "Is my tribal government prepared to be self-reliant?" and "Is our current and next generation of leadership equipped to manage growth?" can help formulate those priorities.


With federal budget cuts already having an impact on Indian country, it's especially valuable to know if a current economic structure is as strong as possible. Take Lummi Councilman Henry Cagey, a member of our Blue Stone advisory board. He knows that tribal governments are only as strong as their weakest link. It's important to identify those links, he says, but it's just as important to understand the chain. Setting and reaching goals is most meaningful when there is a clear understanding of the tribe's whole environment, including strengths and weaknesses as well as challenges and opportunities.

Consider, too, tribes that currently depend on gaming. They may choose to take a gradual course to diversification, expanding into enterprises that leverage and complement their casinos. Tribes focusing on hospitality projects such as lodging or entertainment options pro-

vide healthy examples of diversification in areas where there is already a well-developed tribal knowledge base.

At the same time, tribes must assist and encourage development of entrepreneurship and small business by their tribal members. Financial literacy, micro-lending and basic accounting skills stand out as critical needs. Helping community members become more efficient and successful with running their own businesses through education is what we call a best practice opportunity for a tribal government. This type of support strengthens individuals as well as the tribe's future workforce, while at the same time reducing the dependence on the government to be the only business owner. This is "understanding the chain." Diversifying the tribe's role in the tribal business chain is truly building an economy.

Are tribes ready to bear the impact of a shifting economy, to mitigate turmoil and manage transition? Jamestown S'Klallam Tribal Chairman W. Ron Allen, a Blue Stone board advisor, is looking at the big picture. "Indian country has grown through its own resourcefulness, driven by survival and adjustment," he says. "Today, economic diversification represents a new way to adjust and not only survive, but thrive."

Self-reliance is the ultimate goal for most tribes, and for many it's steadily becoming reality. Creating sustainable tribal governments, supporting the tribal private sector and building policies that uphold cultural ways and reflect the needs of the people may sound like a tall order, but with a proper strategy, it becomes achievable. 

Jamie Fullmer (Yavapai-Apache Nation) is chairman and chief executive officer of Blue Stone Strategy Group.

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Why Tribes Should Oppose Internet Gaming

BY ROBERT ODAWI PORTER



Congress is now considering the legalization of gambling over the Internet. Indian country, which has invested billions of dollars in traditional bricks-and-

mortar businesses, should be extremely worried about this effort. If successful, many of the more than 300 tribally owned gaming facilities risk losing significant patrons and profits.

Research on the impact of Internet gaming legalization is thin, but the primary study to date (Geiger-Johns 2010) concludes that tribal casinos could lose up to 25 percent of annual gross gaming revenues if legalization were to occur. Controlling \$28 billion in gaming revenues is a major economic accomplishment for Indians. Given our history of economic deprivation, who would have guessed that this revitalization was possible? But we should not sit idly by while \$7 billion in revenues and associated jobs is given away to the competition.

Indian country response to the Internet legalization threat has been mixed. A few tribes are actively pursuing efforts to get involved in online gambling. They see it as simply a logical expansion of the market given technological advances. Other tribes see it as a clear threat, seeing the great potential for unknown numbers of patrons to gamble in the comfort of their own homes rather than visit the tribal casino.

Our industry trade association, the National Indian Gaming Association, has strongly defended the need to protect existing tribal-state compacts. Both NIGA and I in Congressional testimo-

ny have argued that tribes should have the same rights as non-Indian casinos were legalization to occur.

The problem with legalizing Internet gambling, as the research suggests, is that it drains away customers who would otherwise be limited to visiting tribal casinos. The Poker Players

the online gaming market opens wide, only a handful of providers will control the market. Do we really think tribal gaming brands can beat out the marquee gaming brands in a global online market? A few larger tribes might, but I seriously doubt—as the research suggests—that tribal casinos will gain new

The problem with legalizing Internet gambling, as the research suggests, is that it drains away customers who would otherwise be limited to visiting tribal casinos.

Alliance argues that legalizing online poker would actually support bricks-and-mortar casinos since poker players eventually want to play against other humans as they get better.

But powerful forces in the gaming industry, led by name-brand Nevada and New Jersey interests, are strongly promoting the legalization effort. States, too, are eager to get in on the action and start taxing online bettors. It doesn't seem reasonable that this effort will end with only legalizing online poker. Our competitors and their allies in government are going all in for full legalization of all Internet gambling.

Losing 25 percent or more of gross revenues could cause widespread economic injury to tribal casinos, many of which have significant debt—which is why Indian country needs to stop watching this economic tsunami in the making and start fighting against it. If

customers in an Internet gaming era.

There are actions that can be taken now to fight against this effort. We should be preparing our litigation strategy to protect existing compacts and investments. We should be educating and lobbying Congress to protect Indian country gaming—which employs tens of thousands of non-Indians as well as Indians—to protect the bird in the hand rather than chase the two in the bush. The Internet might not be stopped, but it can be slowed down.

If we don't act now and Internet gambling legalization occurs, the ensuing economic disaster in Indian country would be our own version of the fiscal cliff. ☞

Robert Odawi Porter is the former president of the Seneca Nation of Indians and currently senior counsel at Dentons in Washington, D.C.

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Tulalip Resort Casino: An Epicurean Destination

Between Seattle and Vancouver, British Columbia is a AAA Four Diamond resort that not only features 192,000 square feet of gaming but also offers luxury accommodations, a rejuvenating spa, a variety of entertainment options and a culinary scene worth traveling to experience.

Each year, Tulalip Resort Casino sells out the opening dinner to its award-winning food and wine aficionado event, Taste of Tulalip. The turnout for the fifth anniversary of the culinary celebration, this November 8 and 9, is expected to be no different. Among the top talent selected by Tulalip Resort's Executive Chef Perry Mascitti and Sommelier Tommy Thompson to be featured at Taste of Tulalip is honorary wine maker Bob Betz of Betz Family Winery in Woodinville, Washington. Special guest Emilio Lopez of El Salvador, a sixth generation specialty coffee producer, will oversee the Dillanos Coffee Roasters espresso bar, serving guests samples of a special Taste of Tulalip Fifth Anniversary Blend. Other celebrity talent and rising stars will be announced in coming weeks. Past famed culinary appearances have included Carla Hall, host of ABC TV's *The Chew*, Marcus Samuelsson, author and Bravo's top chef master, wine legend Marc Mondavi, and Thirsty Girl Leslie Sbrocco, among others.

The food-focused gathering kicks off November 8, with a wine and hors d'oeuvres reception, followed by the celebration dinner, a multicourse repast focused on dishes inspired by Native American tradition, paired with a global offering of rare, top wines. The limited tickets to the celebration dinner are priced at \$175.

Saturday's "All Access" pass hold-



Top two photos: Tulalip Bay restaurant; middle: Taste of Tulalip; bottom right: burger at The Draft Sports Bar & Grill; bottom left: culinary artistry from Taste of Tulalip 2012

ers (\$295) get early entrance to the Grand Taste, a VIP seminar featuring a celebrity cooking demo and Q&A, a private Magnum Party with wine and indigenous food pairings, and two in-depth Reserve Tasting forums. The Grand Taste, spanning four hours, features lavish food stations as well as over 100 wines from Washington State, California and Oregon, and craft beer. Priced at \$95, it includes a Rock 'n' Roll Cooking Challenge

done Iron Chef style with celebrity judges looking for the best from both regional and Tulalip chefs, and sommelier teams.

Guests can purchase the weekend's wine offerings, available in limited quantities at the Taste of Tulalip retail wine shop, and book and bottle signings will be available for those looking to personalize their purchases. For tickets, visit TasteOfTulalip.com.

Beyond the two-day epicurean ex-

travaganza, Tulalip Resort Casino is a destination resort in Tulalip, Washington. It has ensured its place on the Condé Nast Traveler Gold and Traveler Top 100 Resorts lists, as well as Preferred Hotel & Resorts membership.

The resort features six dining venues, including the AAA Four Diamond Tulalip Bay Restaurant, particularly acclaimed for its fresh seafood fare. Tulalip Bay will debut a new steakhouse menu this fall. It also showcases the intimate Canoes Cabaret; a 3,000-seat amphitheater. Nearby, find the Hibulb Cultural Center and Natural History Preserve.

Among other culinary delights, this September, the resort opened its new hotel bar, Destination Lounge, as well as The Draft Sports Bar & Grill, complete with several large screen HDTVs and multi-zoned audio for a full immersion sports-watching experience. Draft serves up classic American fare.

“Consider yourself drafted!” says Lisa Severn, director of food and beverage. “That’s how you will feel when you experience Tulalip Resort Casino’s newest venue with its large custom collage paintings, celebrating our Northwest teams and legends. The Draft feels like an urban pub, infused with new technology that reaches beyond the expectations of a common sports bar. We can’t wait to welcome guests in, so they can bask in the complete experience.”


In October, the resort will debut the Lobby Bar and its new Asian restaurant, Journeys East.

While the gourmet scene is top notch at Tulalip Resort Casino, the gaming destination also indulges other senses. The 14,000-square-foot T Spa offers Native-inspired treatments that nurture the body and mind, combining natural elements like a metaphorical journey through the Tulalip Tribe’s homeland and a hot stone massage or oxygenation facial, pine and lavender scrub, a soothing mountain pine

footbath treatment, and more. T Spa offers a signature five-hour Canoe Puller package, which begins with a re-energizing body ritual, followed by a mud bath, deep tissue bolus massage, skin resonance vitamin infusion facial, Native Stone Ritual For Feet and lunch.

Tulalip Resort Casino is conve-

niently located 30 miles north of Seattle in Quil Ceda Village, a commercial area that offers a diverse shopping experience from Seattle Premium Outlets to small and charming boutique shops.

For more information about the distinctive resort experience, visit TulalipResort.com. 



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Twin Arrows Point To Success

Twins Arrows Navajo Resort and Casino is not just a new landmark, it's a new benchmark for the economic health and prosperity of the Navajo Nation, said Derrick Watchman, chief executive officer of the Navajo Nation Gaming Enterprise. "As the premier destination casino resort in northern Arizona, Twin Arrows has created nearly 800 full-time jobs [75 percent Native hires] with an annual payroll of \$34 million. We have a job to do for Native government and that is to provide revenue that will support tribal efforts."

The \$230 million resort, situated on the high plains of northern Arizona, just 20 miles east of Flagstaff, took five years to complete. It made its much-anticipated debut on May 24, 2013.

Upon entering the resort lobby, the beautiful chandelier of cascading crystal first catches guests' attention. The glass droplets symbolically represent the Navajo creation and emergence story. Numerous other pieces of art displayed throughout Twin Arrows pay homage to Navajo tradition—like the unique basket weave architecture and the resort's color palette of white, turquoise, yellow and black, derived from the four sacred colors of the Diné. The casino spent more than \$1 million on artwork by some 40 Navajo weavers, painters and textile artists.

Twin Arrow's five-story hotel features 90 rooms and suites, some with panoramic views of the majestic West sacred mountain, known to the Navajo as Dook'o'osłííd, and to non-Navajos as the San Francisco Peaks. Another 110

rooms are scheduled for completion in early 2014.

The resort is also an ideal destination



The chandelier in the lobby of the Twin Arrows resort

for major gatherings and conventions with its 12,000-square-foot conference center.

Gaming action takes place on the 170,000-square-foot casino floor decked out with 1,000 video and real slots, live keno, plus table games including blackjack and a variety of poker games.

Visitors can satisfy their discerning appetites at multiple food outlets ranging from The Reef Seafood Bar, featuring freshly shucked oysters; The Four Elements Café, preparing sandwiches


with Southwestern flair 24 hours a day; Arrow Sports Bar, displaying 19 large-screen high-definition televisions accompanied by a state-of-the-art sound system; or at The Food Court, offering diverse fare like authentic Navajo mutton stew or simply a burger and fries.

The restaurant's flagship restaurant is its high-end Zenith Steakhouse, where guests can enjoy fresh Navajo beef and sip wine in a serene ambiance, enhanced by stone vestibule walls. The inviting restaurant features an open-exhibition kitchen, fireplace and wine cellar display.

Families seeking a leisure experience will enjoy the indoor pool and 24-hour fitness center. In winter, great skiing can be found less than an hour away, and the magnificent Grand Canyon is just a 90-minute drive from the resort.

Twin Arrows Navajo Resort and Casino is the Navajo Nation's largest gaming facility and the tribe's first in Arizona.

The tribe opened its first casino, the Fire Rock Navajo Casino, east of Gallup, New Mexico in 2008, and its second, the \$3.1 million Flowing Water Navajo Casino located east of Shiprock, New Mexico in October 2010. Northern Edge Navajo Casino began business in January 2012 in Upper Fruitland, New Mexico, with an annual payroll of \$12 million and 375 full-time employees.

"When we create jobs, it has to be jobs that make a sustained difference," Navajo Nation President Ben Shelly has said. "Jobs need to help people earn wages and make their lives better, while they're also working on infrastructure for the Nation and training other Navajos. They're building the economy." 

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Prime Cuts and Fine Wine

Steak houses at Agua Caliente, Wild Horse Pass and Turning Stone earn *Wine Spectator* awards

Wine Spectator has honored at least three steak houses at Indian casinos with its Award of Excellence in 2013. The prestigious honor recognizes 2,870 restaurants that offer a well-curated wine list, which also complements the menu.

Since 1981, *Wine Spectator* has identified the world's best wine lists to encourage restaurants to improve their selections. The publication reaches nearly 2.6 million wine enthusiasts across the globe.

Boasting 350 wine selections, Shula's Steak House located inside Wild Horse Pass Casino in Chandler, Arizona received the *Wine Spectator* award for the second consecutive year.

Shula's, which offers a diverse selection with a specialty in California wines, serves up a mean "Shula Cut"—the restaurant's superior cut of beef. Shula's prides itself on using Angus beef and having the highest steak standards weighed against ten unique categories including leanness, marbling and 10 to 16 inches of rib-eye. Themed



Shula's steak made with prime Angus beef

after the Miami Dolphins 1972 "Perfect Season," the eatery is owned by Don Shula, who was head coach Dolphins from 1970 to 1995.

Two restaurants at separate casinos owned and operated by the Agua Caliente Band of Cahuilla Indians have garnered the same *Wine Spectator* designation.

It's the seventh year The Steakhouse at Agua Caliente Casino Resort Spa, a Four-Diamond property in Rancho Mirage, California, has received the distinction, and the fifth for The Steakhouse at Spa Resort Casino in downtown Palm Springs, California.

The Steakhouse at Agua Caliente Casino Resort Spa offers 342 different selections, with more than 4,300 bottles in its inventory. At Spa Resort Casino, The Steakhouse has 180 different selections, with more than 1,700 bottles in its inventory.

Three fine dining establishments at Turning Stone Resort Casino in Verona, New York have once again made the list, including its T.S. Steakhouse for its international wine list paired with its locally sourced and sustainable meat and food. The other award winners include the resort's intimate, 65-seat elegant Wildflowers Restaurant at The Lodge, and the Italian-style bistro Pino Bianco. 🍷

Feeding In-N-Out Urge: First Location to Open on Tribal Land

The Morongo Band of Mission Indians is counting on the popular In-N-Out Burger drawing more customers to its expanding casino, Patch.com reported.

In August the band broke ground on an In-N-Out Burger next to Morongo Casino, Resort & Spa, off the 10 freeway in Cabazon, California. It will be the first In-N-Out in Indian country.

"We are delighted that In-N-Out Burger has chosen the Morongo Indian Reservation as the home for its first restaurant ever on tribal land," said Tribal Chairman Robert Martin in a press release. "Given the current economic environment, Morongo is happy to be developing a new project that will not only bring new business activity and jobs



Martin, left, with other Morongo officials at the In-N-Out ground-breaking ceremony.

to our region but will also generate future economic development opportunities."

Customers can line up for the famous burgers on Morongo land in early 2014.

The Southwestern fast-food franchise

with locations in Arizona, California, Nevada, Texas and Utah is known for its fresh ingredients. Each In-N-Out location receives daily food shipments from distribution facilities in California and Texas, and the fast-food chain doesn't equip any restaurants with freezers or microwaves, reported HuffingtonPost.com.

In-N-Out also has a good reputation for valuing its employees who start at \$10.50 per hour, a rate substantially higher than federal minimum wage of \$7.25, California's minimum wage of \$8, and fast food workers' median hourly wage of \$8.94. In-N-Out even guarantees part-time workers flexible schedules, paid vacations, free meals and a 401(k) plan. 🍷

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Putting a Leash on the IRS Attack Dog

Tribal sovereignty supported in latest tax reform bill

BY GALE COUREY TOENSING

A California congressman has introduced a far-reaching tax reform bill clarifying that sovereign tribal nations are as tax exempt as states and other nations.

On August 2, Representative Devin Nunes (R-California) submitted to Congress the Tribal General Welfare Exclusion Act of 2013—H.R. 3043. The bill will stop the Internal Revenue Service (IRS) from imposing federal income taxes on benefits tribal members receive from a wide range of tribal government programs and services, such as education scholarships, funds to attend and participate in cultural events, housing benefits, bereavement stipends, and many others. In addition, it will put an end to IRS agents showing up unannounced on reservations to conduct audits of tribal governments' expenditures that have not been and never should be subject to taxation.

"By excessively taxing critical programs and services provided by American Indian tribes to their members, the IRS is discouraging the tribes' self-reliance and fostering dependence on the federal government," Nunes told Indian Country Today Media Network in an e-mail. "This bill will rectify the situation by allowing tribes more leeway to administer programs at an effective, local level."

The bill "[answers] the call of tribal leaders," Ernie Stevens Jr., chairman of the National Indian Gaming Association (NIGA), said in an August 13 regulatory alert e-mail blast to the

association's members.

Tribal leaders and organizations have pushed Congress to codify and broad-



Representative Devin Nunes (R-California)

en the General Welfare Exclusion as it applies to Indian tribes through an amendment to the Internal Revenue Code. Over the past year the major national organizations—NIGA, United South and Eastern Tribes, the National Congress of American Indians (NCAI), and the Native American Finance Officers Association and others—produced white papers on tax reform proposals. At the NCAI mid-year conference in June, the proposals were compiled into


a resolution called Support for Legislation to Amend the Internal Revenue Code to Respect the Sovereignty of Indian Nations to Govern and Promote the General Welfare of Tribal Citizens and to Protect Our Homelands. The resolution began by recalling the constitutional recognition of Indian nations as sovereigns with rights of self-determination and self-government over tribal citizens and tribal territory and tribal nation citizens as "Indians not taxed."

Nunes's bill excludes most tribal government programs and services from federal income taxation. It requires the Secretary of the Treasury to develop a mandatory education and training program for IRS field agents to learn about federal Indian law and the unique federal treaty and trust obligations. IRS examinations and audits will be suspended until the IRS is adequately trained.

Other provisions include:

- A definition of "Indian general welfare benefits" as "any payment made or services provided" by a tribal government to tribal citizens (or any spouse or dependent) under a tribal program with "specified guidelines." The benefits must be available to any tribal member that meets the guidelines; must promote the general welfare; and cannot be "lavish or extravagant."
- For ceremonial activities, any items of cultural significance, reimbursement of costs, or cash honorarium for participation in cultural or ceremonial activities for the transmission of tribal culture will not be treated subject to federal income tax.

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- The bill does not address per capita payments, so those made pursuant to the Indian Gaming Regulatory Act will continue to be subject to taxation.
- Any ambiguities in the new law will be resolved in favor of tribal governments and deference shall be given to tribal government decisions to promote the general welfare of Indian communities.
- The bill authorizes the Treasury Secretary to waive penalties and interest imposed on tribal general welfare payments under past policies and practices of the IRS.

The bill has broad bipartisan support with 14 original co-sponsors, including representatives Lynn Jenkins (R-Kansas), Ron Kind (D-Wisconsin), Jim Gerlach (R-Pennsylvania), Dave Reichert (R-Wash-

[The bill] will put an end to IRS agents showing up unannounced on reservations to conduct audits of tribal governments' expenditures that have not been and never should be subject to taxation.

ington), Charles Boustany (R-Louisiana), Tom Cole (R-Oklahoma), Gwen Moore (D-Wisconsin), Suzan DelBene (D-Washington), Tony Cárdenas (D-California), Derek Kilmer (D-Washington), David Valadao (R-California), Betty McCollum (D-Minnesota), Markwayne Mullin (R-Oklahoma), and Paul Gosar (R-Arizona).

The National Indian Gaming Association urged its members to support Nunes's proposal with letters to their congressional representatives. "The bill also includes a number of provisions that provide deference to local tribal government decision-making authority and generally fosters the policy supporting Indian self-determination and respect for tribal culture," Stevens said. 📍

Lucky Strike?

Gila River's third gaming facility Vee Quiva Hotel & Casino is a testament to hospitality skills

BY LEE ALLEN

At Vee Quiva Hotel & Casino, the newest attraction of Arizona's Gila River Indian Community, the welcome mat is in place with a creative invitation to "Let Us Q You In."

Doors officially opened on July 2 as part of week-long festivities to highlight the stunning Frank Lloyd Wright-inspired architecture by the Friedmutter Group, an award-winning architecture, interior design and master planning firm that also designed the Navajo Northern Edge Casino and The Cosmopolitan of Las Vegas.

The \$135 million facility had been under construction for a year, energizing the local economy by creating more than 500 construction-industry jobs. The casino, open 24-hours a day, year-round, employs more than 300 in part-time and permanent staff positions.

Tribal Governor Gregory Mendoza was not available for public comment about the new facility and its anticipated overall impact on Gila River members. At the casino's groundbreaking in June 2012, he said the casino would "result in increased services to our elders and to our young people."

Melody Hudson of Gila River Gaming Enterprises noted that estimated economic impact to the tribe "is considered confidential," but she added, "The new property is expected to continue the long-term sustainability and growth

to the Gila River Indian Community and its people."

The resort features the first Ditka's in the Valley. The steakhouse was founded by former National Football League coach Mike Ditka.

The Laveen, Arizona-based facility features a 70,000-square-foot gaming floor with 950 slot machines, numerous

Community's culture in the company success," said Kenneth Manuel, president of the board of directors of Gila River Gaming Enterprises.


Another industry veteran, Louis Di-Campoli, who hired and trained Gila River community members as blackjack dealers, will oversee gaming operations.

In an interview with the *Phoenix Business Journal*, James outlined his management philosophies in the gaming industry: "One of the big motivating factors is passion and obsession about your company, all that you do and how you do it. The tone gets set from the top

in an attempt to exceed the expectations of all our guests. My goal as coach, mentor and leader is to take the team and get them across the finish line."

To see how James and his Vee Quiva Casino team are doing, log on to the website for Gila River Indian Community's three Phoenix-area casinos, WinGilaRiver.com, for concert tickets, hotel reservations and up-to-the-minute information about casino promotions. The Gila River Indian Community owns and operates two other Arizona casinos on its

tribal territory: Wild Horse Pass Hotel & Casino and Lone Butte Casino, both in Chandler, Arizona, about 20 minutes from downtown Phoenix.

"From the time the Gila River Indian Community and Gila River Casinos embarked on this world-class visionary project, we knew we would offer guests an unparalleled experience that will create lifetime memories," James said of Vee Quiva. "This is a one-of-a-kind destination that will be one of the Arizona hot spots to see and be seen." 



"We want our customers to have an exceptional memory of a lifetime," James told the *Phoenix Business Journal*. "What we've built here at Vee Quiva is a legend in the making."

table poker opportunities, three dozen oversized tables games and a 500-plus-seat Bingo Park (where one lucky card holder pocketed \$96,000).

Guests are invited to end their night at the three-story, 90-room boutique hotel with pool and fitness center.

John James, the casino's chief executive officer, is a 20-plus-year seasoned casino executive brought on board in 2011 to guide the Vee Quiva project and future tribal expansion plans. "John understands the role of Gila River Indian



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IGT Debuts Cross-Platform Video Poker Tournament

For the first time, poker players can extend their gamesmanship by participating in a major video-game tournament using multiple platforms: mobile, desktop, social media and on location at the Pascua Yaqui-owned Casino Del Sol in Tucson, Arizona.

“More than 1.5 million people have played Game King Video Poker at DoubleDown Casino since its launch in April, making it our fastest growing table game,” John Clelland, vice president of global marketing at International Game Technology, told *Indian Gaming Magazine*. Clelland said that the Game King Championship Tournament spans several platforms and resulted in the largest group of poker players ever competing against each other.

With more than 5 million monthly social gamers, DoubleDown Casino is

the world’s largest multigame online social casino and the latest addition to the International Game Technology family based in Seattle. DoubleDown is the world’s largest multigame online



DoubleDown Casino is the world’s largest multigame virtual, social casino.

social casino and ranked in the top five social media games of 2011 as rated by Facebook.

Robert Melendres, executive vice president of IGT Interactive Group,

said on WallStreetJournal.com, “The Game King Video Poker Championship done in partnership with Casino Del Sol is a perfect example of how the convergence of mobile and social gaming impacts the casino gaming industry.”

More than 250,000 DoubleDown players qualified to play in the tournament making it the largest mobile and social poker tournament ever. Five lucky entrants received airfare, transportation, two nights at Casino Del Sol resort as well as a \$200 resort credit to compete in the finals and be named the Game King Champion.

“The integration of DoubleDown Casino has enabled us to be on the forefront of the casino gaming industry,” said Bob Hoeffner, vice president of gaming for Casino Del Sol Resort.

IGT has partnered with more than 40 casinos that will integrate the game DoubleDown Casino into their plans to reach audiences online. 🎰

Tribes and Casinos Give Back in 2013

Agua Caliente Helps Feed the Needy

The Agua Caliente Band of Cahuilla Indians appreciates the work of the non-profit Well in the Desert to fill the stomachs of those struggling to make ends meet. In August, the Agua Caliente Casino Resort Spa and the Spa Resort Casino of Downtown Palm Springs, the tribe's main economic drivers, donated 2,500 pounds of food to the Well in the Desert.

"There is a great deal of need in our community, and the volunteers at the Well in the Desert are making sure people who are in need have access to healthy food," Tribal Chairman Jeff L. Grubbe said.

The Well in the Desert provides emergency food assistance, weekly supplemental food distribution, and access to community services to those affected by poverty, including the working poor, the homeless, seniors, the handicapped and others in need throughout the west end of California's Coachella Valley for more than 17 years.

"Our shelves were nearly empty," Well in the Desert President Arlene Rosenthal said. "We are thrilled with the tribe's generosity and support of our work to provide daily nutritious hot meals to those in need. This time of year is especially hard for our less fortunate. Having good food on our shelves means people will have good food in their bellies."

Oneida Nation Supports Its Community

Throughout the year the Oneida Nation, largely funded by Turning Stone Casino and Resort in Verona, New York, has made several contributions to local organizations, including a donation of \$10,000 that it gave to the Cooperstown Central School District in May. The funds were used to help offset the cost of the school's change of mascot from the Redskins to the CCS

Hawkeyes. This change was prompted from a vote by the CCS student body and removed by the school in July.

Oneida Nation Representative and Nation Enterprises Chief Executive Officer Ray Halbritter said, "The thoughtful and compassionate decision by the students and administration to change the school's mascot speaks well for the way Cooperstown is enlightening its youth, and speaks well for the future of their community. The Oneida Nation is honored to lend its support as

Community (SMSC) donated more than \$10 million to 18 American Indian tribes in eight states.

"Helping tribes improve their communities, expand their economies, and enhance their health and education offerings is central to the community's role as a good neighbor to our fellow tribes," said SMSC Chairman Charlie Vig in a statement. "The needs in Indian country are still widespread, and we want to help meet those needs as much as we can."

The community and the SMSC Gaming Enterprise (Mystic Lake Casino Hotel and Little Six Casino) are the largest employers in Scott County. Out of a Dakota tradition to help others, the community has also donated nearly \$272 million to organizations and causes since 1992, funds its own infrastructure, and contributes generously to regional governments and infrastructure such as roads, water and sewer systems, and emergency services.



From left, Cherokee Nation Tribal Council Speaker Tina Glory Jordan, Janice Randall, Bill John Baker, Tribal Councilor David Walkingstick and Board Member Leroy Qualls

the school transitions to a more inclusive mascot. All New Yorkers should be proud of the Cooperstown Central School District for standing up for something bigger than themselves."

In July, the Oneida Nation presented its 20th ceremonial check to the Verona Fire District, representing the Oneida Nation's \$100,000 annual service agreement. This donation goes directly into the district's general fund, which helps pay for items like firefighter protective equipment.

Shakopee Mdewakanton Sioux Community Gives \$10 Million to Tribes

The Shakopee Mdewakanton Sioux

Cherokee Nation Donates Funds to Boys & Girls Clubs

The Cherokee Nation donated nearly \$200,000 to its eight Boys & Girls Clubs in 2013. These funds help the club's after-school programs continue their character and leadership development among the Cherokee youth.

"The Cherokee Nation is a proud and regular financial supporter of the mentoring work done at Indian Country Boys & Girls Clubs," said Cherokee Nation Principal Chief Bill John Baker in a press release. "The benefit our youth acquire from these worthy organizations is significant. We owe our children, especially those who need it the most, an outlet and an opportunity where they can grow into their full potential as productive and responsible citizens."

The Cherokee Nation, largely funded



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by Cherokee Nation Entertainment and their eight casinos throughout Oklahoma, has contributed more than \$1.5 million to help the organizations with salaries, operation costs and materials since 2008. The nation's Boys & Girls Clubs serve 15,000 students in total.

"The Cherokee Nation donation is so important. If we didn't have this money, it would be almost impossible to run our programs," said Janice Randall, Cherokee County Boys & Girls Club chief professional officer. "We use the money for scholarships for our kids and to fund any program needs the kids might have."

Harrah's Cherokee Casino Resort Donated \$12,500 to American Cancer Society

In addition to an \$8,500 donation from the western North Carolina-based resort itself, more than 60 Harrah's Cherokee Casino Resort employees participated in community's fourth annual Relay for Life in August to raise \$4,000 for the American Cancer Society (ACS) to support patients, caregivers and survivors in

treatment and recovery.

"Relay for Life is something you must experience if you have battled cancer, cared for or loved someone with cancer, or lost someone to cancer," Julie Wilnoty, Relay for Life event chair and an ovarian and endometrial cancer survivor, said. "Back in 2010 when we held the first relay in Cherokee, [North Carolina,] we raised \$1,800. We've grown a lot since then."

The society has been a Harrah's Cherokee community partner since 2001. All money raised will fund American Cancer Society programs and services in western North Carolina.

In addition to the monetary donation, Harrah's Cherokee Casino Resort hosted the ACS Cancer Survivors Dinner in August. The event celebrated area cancer survivors and their caregivers.


Pechanga to Host Hair Drive In October

In support of Breast Cancer Awareness month, the Spa Pechanga at Pechanga Resort & Casino will be hosting a

month-long hair donation drive in conjunction with Pantene Beautiful Lengths.

Those wishing to donate eight inches or more of their untreated and not recently colored hair will receive a free haircut and style from the professional salon masters at Spa Pechanga during the month of October. All contributions will be given to the alternative hair accessories company HairUWear's continuing efforts in creating real-hair wigs to distribute to female cancer patients through the national network of American Cancer Society wig banks.

For more than a decade, Pechanga Resort & Casino in Temecula, California has been a major supporter of the Susan G. Komen Foundation in its region, the Inland Empire. As a leader in the community, Pechanga Resort & Casino stands behind the efforts of countless altruistic organizations and contributes millions in assistance annually.

To make a reservation or for more information, contact Spa Pechanga at 877-711-2946 or VisitPechanga.com/Spa. 

Raising the Steaks

Indian casinos serve sizzling steaks from Navajo steers

BY LEE ALLEN

Navajo ranchers are a hard-working lot, sitting tall in the saddle as they keep an eye on roving range cattle—and now that hard work is starting to pay off. Quality grass-fed beef has now found its way into the newly opened Twin Arrows Navajo Casino Resort in Flagstaff, Arizona, and other Indian gaming operations are taking a closer look at this Native-raised prime product.

“We’re an independent people, but we’ve worked together on this project,” says Gene Shepherd (Navajo), foreman of the 60,900-acre Padres Mesa Ranch near reservation land in Chambers, Arizona. The site he works on a demonstration ranch because it acts as a training model for others to study.

Ranching families have long struggled to make a living by raising livestock often sold to cattle brokers who bought Native calves as cheaply as possible. The current mission aims to raise high-quality beef and then get it bought at a price that’s fair.

One of the ranches applying the lessons is 14R in the New Lands area (Nahata Dzhil) where 81 permit holders share 360,000 acres of grazing land under the leadership of Al Pahi, ranch president. (New Lands is a section of the reservation set aside for Navajos relocated from Hopi partitioned lands.)

“We show relocatees good ranching practices to elevate the standards of raising cattle,” says Pahi. “We’ve got 14 range units, about 25,000 acres per unit, where permittees are allowed up to 30 head of cattle,” he says, adding: “Our beef grazes naturally and feeds on a particular type of sage shrub that brings lots of protein and other nutrients as well as adding special flavor to our meat.”

Because Indian-owned casino restaurants have a growing need for quality meats—and because there are about 20 gaming facilities in Arizona with more

country, created the Native American Beef brand based on an earlier program in New Mexico in which they took ranch cattle, processed the beef and sold it to restaurants. This time they’re taking premium Navajo source-verified beef and marketing it to Indian cas-



Ranchers Al Pahi and Gene Shepherd raise cattle on more than 420,000 Navajo acres.

across the border in New Mexico, the new Native American Beef Marketing Program aims to sell fairly priced Navajo-raised beef to Native-owned casinos to feed hungry tourists.

In addition to Arizona’s Twin Arrows casino, Navajo beef can be found at the Nation’s Fire Rock and Northern Edge Casino properties in New Mexico as well as the Mescalero Apache tribes Inn of the Mountain Gods Casino and Resort near Ruidoso.

This new business model came about when food distributor Labatt Food Service, a billion-dollar-a-year company, 10th largest food distributor in the

nos, creating an economic engine that never existed before, replacing the old cycle where cash-short ranchers were frequently forced to sell livestock under market value.

“If we buy half a million dollars worth of cattle, that money starts with the rancher and provides him a sustainable livable wage and from there it just multiplies and ends up building things like stores and schools on the reservation,” says Al Silva, LeBatt chief operating officer and general manager.

“Some of the 14R Ranch permittees had never had a lump-sum \$10,000 check in their hands...ever. Now they’ll

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get one every year, and with it they can fix their vehicles and feed their families. They can buy higher quality cattle. And they can repeat that cycle endlessly. We were blessed when the Navajo Nation

and the casinos decided to buy beef from this program. Without that collaboration, we'd be left with just a potentially good idea."

One reason the Indian rancher-to-In-

dian casino connection is expected to prosper under Labatt's leadership is the fact that there's more than just reservation-grown rib-eye. "Native American casinos are great customers, but they don't have a need for all parts of the cow," says distributor spokesman James Dublin. "They can use the steaks, but don't have a need for other parts. We can find a home for every muscle, splitting the animal between Native casinos and elsewhere in our customer base.

"There's a strong sense that this unique partnership program could move much more deeply into the Navajo Nation because they have so much land, there's no need to overgraze. Cattle can be gently relocated without damaging landscape or stressing the animal, similar to what the Japanese do with their highly praised Kobe beef."

Included in the Labatt company marketing efforts is a quote taken right out of Indian country—"Buying Indian in this case isn't about acts or laws, it's about action." 

Mohegan Sun Grows Its Entertainment Empire

At 3.1 million square feet, the Mohegan Sun is the second-largest casino in the United States, featuring more than 300,000 square feet of gaming space within three separate casinos, plus retail areas, a 10,000-seat Mohegan Sun Arena, convention space and a roughly 1,200-room Sky Hotel Tower.

Since the Mohegan Tribe opened its flagship property in Uncasville, Connecticut in 1996, it has offered some of the region's finest dining, hotel accommodations, retail shopping, live entertainment and sporting events.

Through Mohegan Sun's community partnerships, a major retail expansion is currently underway that will add a cinema and bowling venue to the area while increasing shopping and dining options. Some key features include a promenade of retail shops known as High Street Fashion, as well as a gathering spot for food, a farmer's market and a harvest festival, called Taste of New England Gourmet Hall. Kings Bowl will span 20,000 square feet and offer upscale, retro-inspired bowling and dining. Guests will also be able to catch new releases on the big screen at the Marquee Cinemas 14-plex Premium Cinema.

"We are excited to be adding The Downtown District to Mohegan Sun here in Connecticut, as these attractions and brand names will add yet another layer to the already existing excitement and overall experience," said Mitchell Etess, chief executive officer for the Mohegan Tribal Gaming Authority. "The project is moving along nicely with financing already in place and tenant interest is strong."

Mohegan Sun Arena plays host to a variety of events and performances, ranging from world championship boxing to concerts to comedy shows. The casino's entertainment is ranked third in the U.S. and fifth in the world by *Billboard* magazine and was the 2008 and 2010 recipient of a Country Music Award for casino of the year. *Venues Today* also gave Mohegan Sun Arena the number three spot on its 2012 list, and ranked it in the top six




The Shops at Mohegan Sun in Uncasville, Connecticut, offer jewelry, apparel and fashion, sportswear and more. Now the casino is expanding with High Street Fashion, a promenade of retail shops.

of Top Stops of the Decade in 2012. *Venues Today* additionally named Mohegan Sun Arena number four in mid-year Top Stops for 2013.

Etess credits the casino's collaboration with the WNBA's Connecticut Sun for the Mohegan Sun Arena scoring the opportunity to host the Big East women's basketball tournament.

"We're just excited to have something that we have been working on so long finally come to fruition," Etess told *NorwichBulletin.com*. "This is what bringing the Connecticut Sun here has done for us, it has made us a true entertainment company, not just a gaming or hotel company."

For more information about Mohegan Sun events, visit MoheganSun.com. 

Pennsylvania Renews Mohegan Sun's License for Three Years

The operator of the Mohegan Sun at Pocono Downs in Plains Township, Pennsylvania fulfilled all obligations under its initial license. Because of this fulfillment, the seven-member Pennsylvania Gaming Control Board has unanimously voted to renew its license for three more years, reported GoLackawanna.com.

The board approved the renewal on August 21, following a public-input hearing held April 25 at the Plains Township Municipal Building in which Downs Racing operators explained why the license should be renewed.

The Mohegan Tribe of Connecticut, which also operates a casino in Uncasville, Connecticut, acquired Mohegan Sun at Pocono Downs in November 2005. The casino opened its doors in November 2006 and has since generated \$840 million in tax revenue through slot machine and table games. Mohegan Sun employs more than 1,700 people.

The Pocono Downs casino features roughly 82,000 square feet of gaming space, 2,300 slot machines and electronic table games, live harness racing eight months of the year on a five-eighths-mile oval track, restaurants, live entertainment and retail shops. In 2010, it was among the first casinos in Pennsylvania to add live table games such as blackjack, roulette and craps.

In July 2012, the casino broke ground a seven-story, 238-room hotel and convention center. The expansion, known as Project Sunlight, is expected to be completed by the end of 2013.

Guest rooms and suites will offer exclusive views of the racetrack, as well as a fitness center, indoor pool and a bistro serving breakfast and light fare.

The 20,000-square-foot convention center is intended to host special events, meetings, concerts and more. The venue will easily accommodate groups of various sizes, such as 800 for a seated banquet to 1,500 for a



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“Since we first opened we knew that a hotel and convention center would greatly enhance our operation and make a more complete destination,” said Bobby Soper, president

and chief executive officer of Mohegan Sun at Pocono Downs. “The timing just had to be right.”

For more information on Mohegan Sun at Pocono Downs, visit MoheganSunPocono.com. 📍



Mohegan Sun at Pocono Downs is a popular racino in Plains Township, Pennsylvania, owned by the Mohegan Tribe of Connecticut.



Mohegan Sun at Pocono Downs is home to more than 80 table games, including poker, blackjack, craps and roulette, among others.

Amerind Risk Management: Raising the Roof in Indian Country

BY TANYA LEE

Derek Valdo, Acoma Pueblo, appointed chief executive officer of Amerind Risk Management Corporation a year ago, says the not-for-profit, tribally owned insurance company is not only a business but has a higher mission—to improve housing across Indian country.

“We’re not just an insurance company that wants to sell insurance policies, pay claims, operate the company and make some profits to pay our shareholders. Our shareholders are the tribes, so there’s a constant effort and diligence to keep rates stable but also to improve housing conditions,” says Valdo.

An example of how Amerind Risk does business, Valdo explains that if a

home has an obsolete roof, Amerind Risk does not refuse to pay for the damaged roof because it’s obsolete, but instead pays a portion of the claim to help replace the roof with a high-quality material and thus improve living conditions for the family by providing better protection from the elements and increased fire safety.

Valdo, 38, grew up in a HUD-assisted home in Acoma. His first job was for the Pueblo of Acoma Housing Authority where he spent two years reviewing the eligibility of applicants and three as development specialist. By the time he left he had brought in \$6 million in new construction funding, enough to build 64 homes for his community. “That was my defining moment at Acoma and set my job pattern. My entire experience revolves around helping Indian people.”

Valdo says that his father was a traditional person and his mother more Western. His mother encouraged him to go out and get an education; his father urged him to come back home and help his people.

Valdo says he was able to go back home and help and then expand his activities to improve conditions for Indian people on a national scale at Amerind Risk, where he started as director of safety services in 2000.

Amerind Risk was created by the U.S.

Housing and Urban Development Office in 1986 out of hard market conditions, says Valdo. HUD had saved \$4 million to pay for three years of insurance for properties in Indian country. Commercial insurers said that because of the high risks on Indian reservations the insurance would cost \$12 million for one year. HUD went to the National American Indian Housing Council and recommended the

tribes self-insure. The more than 420 tribes with HUD-assisted housing agreed and thus Amerind Risk was born, with the commitment to insure all HUD-assisted housing in Indian country.

“We cover fire, wind, hail, tornado, hurricane, falling aircraft, theft, vandalism, frozen pipes, gap flood, gap earthquake coverage, commercial liability, all of the typical commercial insurance coverages you’ll see for a public housing entity,” says Valdo. In order for an insurance company to succeed, he explains, it adds up what it needs to pay claims, operational costs, fees and profits to shareholders and uses that information to set rates. Amerind Risk works on the same principle, except for need to pay profits to shareholders.


“We have 26 years of data that show every year we’re going to have \$10 million to \$12 million to in fire claims, \$5 million to \$6 million in wind and hail claims, about \$1 million in liability and other smaller amounts,” says Valdo. The company allocates how much each of its 420 member

tribes needs to pay in premiums based on how much property each insures and on the replacement costs for housing in different parts of the country. By the end of 2013, Amerind Risk will cover \$9 billion worth of property (55,000 single-family homes and about 7,000 commercial structures) for a total in premiums of only \$19 million, despite the risks that pertain because much of Indian country, which, says Valdo, is like a third-world nation, with very limited services and infrastructure.

Amerind Risk insures houses at an average cost of \$300 per \$100,000 of value. The commercial rate for a home in Albuquerque would be almost twice that, says Valdo. Today, the company has business revenue and net assets in excess of \$100 million and offers other products, including workman’s compensation and homeowners and renters insurance.

Amerind Risk exemplifies how tribes can collaborate to foster economic development in Indian country. “Amerind Risk is a great model of tribes working together,” says Valdo. “We are the only multi-jurisdictional Section 17 corporation organized under the Indian Reorganization Act. What that means is that Amerind Risk has over 420 tribes all agreeing that we’re going to go into business together.... We’re all pooling our money together to provide in times of need and accidents.... Amerind Risk is that successful model of tribes pooling together, believing in themselves, insuring themselves.

“It’s part of the empowerment and self-determination era that tribes are getting into these days, trusting themselves and putting Indian people in charge of their companies to take us on to the next level.”

Amerind Risk is holding its 27th Annual Conference & Trade Fair, September 24 to 26, in Anchorage, Alaska. Gary “Litefoot” Davis, president and CEO of the National Center for American Indian Enterprise Development, is the keynote speaker. Valdo says the conference is an opportunity for member tribes to review the company’s annual report and to provide education to clients about insurance and risk. As an incentive, early registrants were eligible for a discounted rate and a chance to win an iPad mini. More information go to Amerind-Corp.org. 



Derek Valdo



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Flourishing in Arizona

From blackjack to bouquets, Talking Stick Resort Casino never misses a beat

Talking Stick Resort Casino, the AAA Four Diamond-rated venue in Scottsdale, Arizona may operate on a grand scale, but it focuses on the details.

The 240,000-square-foot casino features more than 800 slot machines, a VIP lounge and one of the largest non-smoking poker rooms in the Southwest. The Arena, with more than 50 table games, all available to guests 24 hours a day, seven days a week. Each August, the region's top poker players descend upon The Arena to compete for a cut of the Arizona State Poker Championship's \$1 million-prize pool.

Eight restaurants round out the resort's dining experience, among them: the Wandering Horse Buffet, a multistationed international buffet; the 24-hour

Blue Coyote Café; cigar and martini bar Shadows; and the intimate Ocean Trail seafood bar.

The resort's culinary jewel is aptly named Orange Sky. Situated on the resort's 15th floor, the open-air venue offers 360-degree views through floor-to-ceiling windows of the Valley's searing sunsets sinking into the distant red rock mountains. Orange Sky serves up fresh seafood, aged steaks and just-harvested vegetables from local communities surrounding the Scottsdale and Phoenix areas. The restaurant's *Wine Spectator* award-winning wine list features 300 bottles and 30 wines by the glass.

The 36-hole, championship Talking Stick Golf Club features two unique courses: the North course leading players through grasslands and ingenious bunkering, while the South course offers a more traditional route with its tree-lined fairways, creative water hazards and smaller, sloped greens.

The resort's rejuvenation center, The Spa at Talking Stick, is nothing short of

impressive, located on the 14th floor, encased by windows with breathtaking views of the valley. The spa's Native-inspired treatments employ culturally significant ingredients harvested from the community gardens.

Guests have responded to Talking Stick's dedication to quality and hospitality with high praise, earning the resort a TripAdvisor Certificate of Excellence in 2013 and 2012. The award is given to businesses that consistently achieve outstanding traveler reviews on TripAdvisor.

The resort is no stranger to acclaim. Two recent honors attest to the resort's impeccable attention to detail, both from the Arizona State Florist Association. The gorgeous floral arrangements throughout the property have earned Talking Stick a Public Awareness Award for promotion and use of fresh flowers in a creative and professional manner. In addition, the resort's on-site florist, Christine Price, was named the People's Choice designer of the year for the third time in a row. 🌸

Exit 33 Extension Opened By Oneida Indian Nation

Out came the scissors, snap went the blades, and the ribbon was cut.

With that sound, amid the applause of dozens of well-wishers, construction workers, Oneida Nation officials and a slew of VIPs, the long-awaited opening of the addition to the Exit 33 entertainment complex was celebrated on July 18. On hand were Oneida County Executive Anthony Picente Jr., New York State Assemblyman Anthony Brindisi, Central and Northern New York Building Trades representative Pat Costello and Oneida County Tourism president Kelly Blazosky.

“As the region’s premiere entertain-

ment destination and resort, we understand expectations are high when we open something new,” said Oneida Nation Representative and Nation Enterprises Chief Executive Officer Ray Halbritter in a statement. “Exit 33 is Turning Stone’s most exciting and original creation yet, and sets a new standard of excellence in entertainment.

Exit 33 ensures that Turning Stone will continue to be the first choice for entertainment in this region for years to come, and we are certain that people will travel from near and far to experience everything it has to offer.” It was the culmination of a vision sparked two decades ago with a simple bingo hall. The complex has since burgeoned into an economic mainstay for central New York State. The \$25 million addition was completed speedily; the groundbreaking only took place in November 2012. Halbritter, who was once a union ironworker himself, praised the workers for staying on schedule and within budget.

Besides providing long-term jobs,

party in the new multi-venue entertainment complex that they had just built—fittingly, the first event to be held at Exit 33. It opens to the public on the evening of July 18.

The ribbon-cutting made for a fitting prelude to the weekend’s festivities, which mark the high point of Turning Stone’s month-long 20th-anniversary celebration.

One special event occurred from July 20 to 21, when Tony Bennett graced an invitation-only, black-tie gala; elaborate fireworks filled the sky, and the casino rolled out and cut a special anniversary cake.

Among many featured acts that also helped launched the four new



Halbritter speaks at the grand opening ceremony for Exit 33 on July 18, 2013. Exit 33 houses three distinct music venues including a country dance hall Tin Rooster (pictured above), rock-and-roll club The Gig, and piano bar Turquoise Tiger.

ment destination and resort, we understand expectations are high when we open something new,” said Oneida Nation Representative and Nation Enterprises Chief Executive Officer Ray Halbritter in a statement. “Exit 33 is Turning Stone’s most exciting and original creation yet, and sets a new standard of excellence in entertainment.

the building project alone created about 300 jobs for local construction workers, building trades craftsmen, and suppliers, the Oneida Nation said in its statement.

A couple of days earlier on July 15, the Oneida Nation had thanked the tireless construction workers and craftsmen with an appreciation

venues during the weekend were the Beadle Brothers on July 18, 19 and 20 at the Tin Rooster; The Limit on the same evenings, at The Gig; Dueling Pianos on July 18 and 19 at the Turquoise Tiger, and Eden Brent on July 20, plus the burlesque show of Veronica Varlow on July 19 and 20 at midnight, the nation said. 🎯

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The Bigger Pot

The Cherokee way:
earn big, share the wealth

The Cherokee Nation owns and operates eight gaming facilities in Oklahoma—located in the cities of Roland, Catoosa, West Siloam Springs, Tahlequah, Fort Gibson, Sallisaw and Ramona—and the Will Rogers Downs racino in Claremore. Through its gaming arm Cherokee Nation Entertainment, the tribe employs more than 3,500 people and offers over 6,200 electronic games and 80 card and table games.

That roster is continuously expanding, particularly in the wake of the United Keetoowah Band of Cherokees' Tahlequah casino shutting down. After

UKB casino employees.

"The most important thing is that these innocent workers who may be displaced are still able to provide for their families," Baker said. "We want to calm any fears they may have and let them know we will do everything in our power to make sure any transition is as smooth as possible."

State Contributions

Under its Class III gaming compact, the Cherokee Nation shares its revenues with the state of Oklahoma. Last year, the tribe proudly announced it had sur-


passed the \$100 million mark, having paid the state a total of \$101,033,303 from January 2005 to December 2011, the *Cherokee Phoenix* reported.

and expansion. Most recently, in March 2013, the tribe finished construction on a new 10-story tower at its Hard Rock Hotel & Casino in Tulsa. The tower replaces an area that was lost in the record-breaking blizzard in February 2011. The new tower adds 100 suites to the resort, bringing the total room count to 454 rooms and suites. The property additionally includes a seven-story and a 19-story tower.

The new hotel completes a \$52 million expansion project that also included 500 additional electronic games, 15 more table games, a poker room, a media bar and a food court.

"The addition of this tower puts us years ahead of the competition and continues our draw as the premier gaming destination in northeast Oklahoma," said Bill John Baker, principal chief of the Cherokee Nation. "This addition will also help increase revenue, which means more money generated for Cherokee Nation services that improve the lives of our citizens."

Now Hard Rock officials plan to begin \$2.5 million in renovations to the property's original seven-story hotel tower that has 148 rooms; the slated completion date is end of 2013.

"The original tower has provided our guests lodging since 2004, so it's time for a face-lift," said Jon Davidson, senior director of hospitality for Hard Rock Hotel & Casino Tulsa. "The current plan is to renovate the rooms floor by floor. We will update the theme, blending a little Hard Rock, but maintaining the strong Cherokee culture and art that currently exists in this tower, while the other two towers have more of a Hard Rock feel to them." 



A suite inside Hard Rock Hotel & Casino Tulsa's new hotel tower. The room's windows feature a red glaze to reduce sunlight.

Last year, the tribe proudly announced it had surpassed the \$100 million mark, having paid the state a total of \$101,033,303 from January 2005 to December 2011.

UKB casino officials exhausted all legal options to take their casino land into trust, the gaming facility shuttered on August 30. In the wake of the casino's closure, Cherokee Nation Principal Chief Bill John Baker announced that Cherokee Nation Entertainment would offer employment to workers displaced as a result.

"Welcoming our Keetoowah brothers and sisters with open arms is simply the right thing to do," Baker said, emphasizing that Cherokee Nation Entertainment officials are working diligently to minimize any disruption in pay for

passed the \$100 million mark, having paid the state a total of \$101,033,303 from January 2005 to December 2011, the *Cherokee Phoenix* reported.

"The Cherokee Nation is very pleased to hit this \$100 million milestone," Secretary of State Charles Head told the newspaper. "This result is a perfect example of how Cherokee Nation and the state of Oklahoma can work together to achieve results that are beneficial to each government. This truly is a win-win situation."

Increasing revenues for both the tribe and its partners involves investment

Mystic Lake Gets Wet!

Formerly Dry Casino Opens Bars for Previously Parched Guests



The splashy Drinx Bar on Mystic Lake's main gaming floor.

For two decades, Mystic Lake Casino Hotel was one of Minnesota's only dry gaming establishments. But following a high demand for alcohol service ever since its 1992 opening, the Shakopee Mdewakanton Sioux Community finally decided in the summer of 2012 to apply to the Bureau of Indian Affairs for regulatory approval to sell alcoholic beverages.

"Our guests have been asking for this for years," said John Kolander, Mystic Lake's director of food and beverage services. "Since we opened [21] years ago, it was the most requested item that we had: 'Can we get a drink?'"

The liquor ban was officially lifted in


September 2012, and in November the casino opened a few makeshift bars, tucked in corners that were inconvenient for gaming clientele.

Now guests can imbibe without missing the gaming action. The last weekend of August 2013, the Prior Lake, Minnesota casino hotel debuted three unique gaming-floor bars, reported the Minneapolis *Star Tribune*.

Each bar is distinctive. The largest of the trio, Drinx Bar, is centrally located by the blackjack pit and the Promenade Stage. The 45-seater is a full-service "party bar," as Kolander describes it, and features ice sculpture-like light fixtures. The more discreet Lobby Lounge offers classic cocktails and the

full Mystic Steakhouse menu. Finally, the Promenade Bar caters to beer lovers and features six Minnesota craft brews on tap.

Mystic Lake is the closest casino in Minnesota to the Twin Cities and the largest in the Minneapolis area. Prior to permitting the sale of alcohol, Red Wings Treasure Island Resort & Casino was the nearest liquor-serving gaming facility to the major population center.

The 24-hour Mystic Lake Casino Resort also features The Meadows at Mystic Lake, a world-class, 18-hole championship golf course. The tribe's more intimate Little Six Casino is located in Prior Lake. 

Good, and Getting Better

Increases in gaming revenues bode well for Indian country

BY GALE COUREY TOENSING

An increase in Indian gaming revenues in 2012 of almost three percent offers “economic encouragements” for Indian country, according to the National Indian Gaming Commission (NIGC). The commission released data in late July showing revenues generated by the Indian gaming industry in 2012 totaled \$27.9 billion—the third consecutive year of increases in gross gaming revenues (GGR) since the recession began in 2007.

The Indian gaming industry saw its largest gross gaming revenues ever in 2012, Tracie Stevens, NIGC chairwoman said. “The 2012 Indian gaming industry’s gross gaming revenues of \$27.9 billion indicate a strong and mature Indian gaming industry. Additionally, gross gaming revenues in 2012 reached its highest level in history, ahead of 2011’s gross gaming revenues by \$746 million. For those who judge casino spending as an indicator of increased discretionary spending and economic recovery, 2012 revenues certainly display economic encouragement,” Stevens said in a media conference in late July.

The National Indian Gaming Commission is an independent federal regulatory agency that was established by the Indian Gaming Regulatory Act of 1988. It provides training and technical assistance and regula-

tory oversight to ensure the integrity of more than 420 gaming establishments owned and operated by nearly 240 tribes across 28 states.

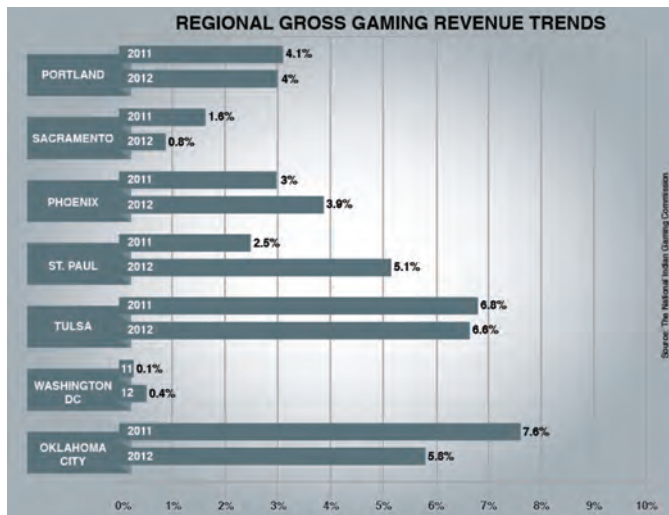
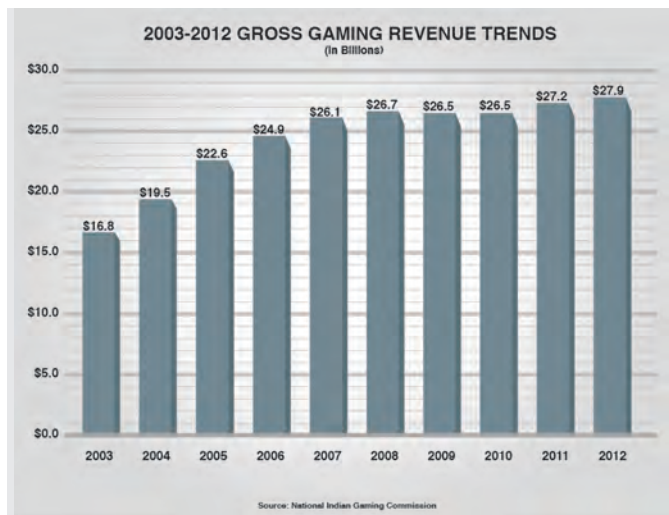
The NIGC calculates Indian gaming revenues based on a fiscal year. The 2012 GGR is calculated based on independently audited financial state-

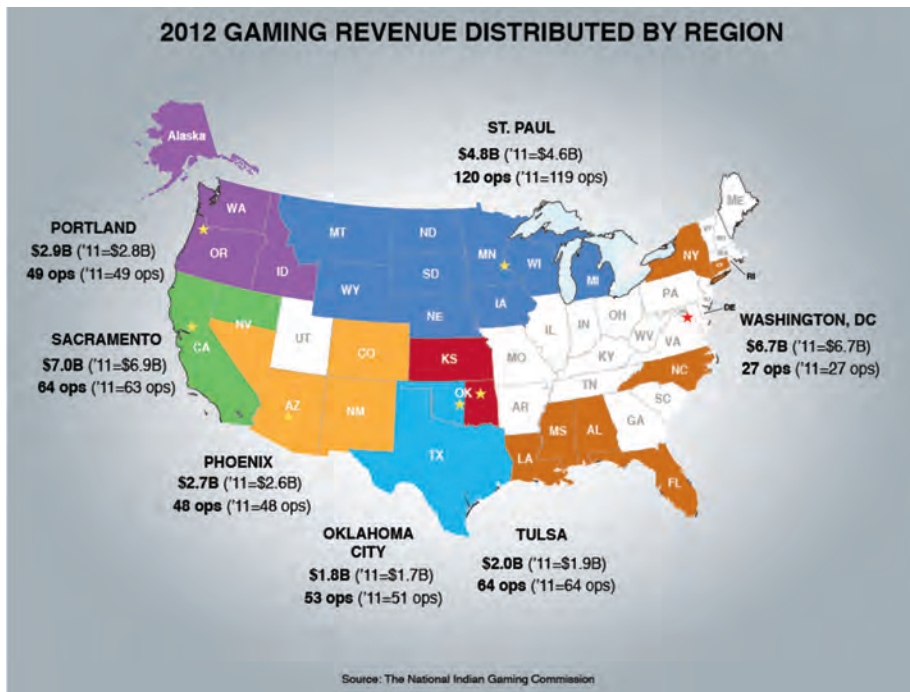
ments received by the NIGC through June 20, 2013. Financial statements are submitted by Indian gaming operations in accordance with the Indian Gaming Regulatory Act. Gaming revenues represent the net win from gaming activities, which is the difference between gaming receipts and payouts.

Yvonne Lee, director of finance for NIGC, explained, “First, it is important to note, gross gaming revenue, or GGR, is the amount wagered minus the winnings returned to players. GGR is the figure used to determine what a casino or other gaming operation earns before salaries, compact fees and other expenses are paid—the equivalent of sales, not profit. Gross gaming revenues should in no way be interpreted as profit-margin. These are revenues earned before paying other expenses.”

Last year’s GGR of \$27.9 billion was 2.7 percent higher than the 2011 GGR of \$27.2 billion. The NIGC data attribute the overall growth of revenues to 66 percent of the Indian gaming operations, which reported an increase in gaming revenues. Of the operations that reported an increase in revenues, approximately 44 percent showed moderate growth of less than 10 percent.

Associate Commissioner Dan Little said a key role in the growth of the Indian





gaming industry was the commission’s review and updating of regulations. “Over the past three years our regulatory review has provided much needed reform to meet the needs of the changing industry and provide flexibility and consistency for tribes and tribal regulators,” Little said.


The 2003–2012 Gross Gaming Revenue Trends table shows the revenues trends over the past 10 years. Since 2010, the Indian gaming industry experienced approximately three percent annual growth—reaching its largest GGR this year.

Small and moderate gaming operations make up 56 percent of Indian gaming, the commission said. The Indian Gaming Regulatory Act determines how gaming revenues may be expended. Many Indian tribes use gaming revenues to fund economic development activities on reservations and to provide their citizens with social services, including health services, housing, early education programs and language and cultural preservation activities.

In 2012, 98 Indian gaming operations reported gaming revenues between \$10 million and \$25 million, 70 Indian gaming operations reported gaming revenues between \$3 million

and \$10 million and 69 Indian gaming operations reported gaming revenues less than \$3 million. Stevens said these numbers show that most tribal gaming operations are medium-sized or smaller. “The industry is driven by the demographics of each area. Most tribal gaming operations are in rural parts of the country where jobs are greatly needed for both Natives and non-Natives alike,” she said.

The map shown illustrates the seven NIGC regions across the country. All regions showed growth in revenues in 2012, continuing a trend that began in 2011. The largest increase in GGR of 5.1 percent or \$233 million occurred within the St. Paul Region, which has 120 gaming operations across nine Great Plains states. The Tulsa Region, which has 64 gaming operations in Kansas and eastern Oklahoma, had the largest percentage increase from 2011—6.6 percent or \$125 million. There is also a chart that shows regional gross gaming revenue trends.

The NIGC calculates the Indian gaming industry’s gross gaming revenues data based on financial statements that are submitted by Indian gaming operations in accordance with the Indian Gaming Regulatory Act. 



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A Talking Chair

Outgoing NIGC chair Tracie Stevens's advice to her successor:
"Communicate, communicate, communicate"

INTERVIEW BY GALE COUREY TOENSING

Tracie Stevens (Tulalip Tribes), who is leaving the chair of the National Indian Gaming Commission after completing a three-year term, talked to Indian Country Today Media Network about the commission's work and what she anticipates doing after living and working in Washington, D.C.

You were appointed in June 2010, so you've been chair a little over three years. That doesn't seem like a very long time for a federal government appointment. What made you decide to leave?

My term was expiring back in June, and I had to think about whether or not I wanted to continue to serve as chair for one more [three-year] term. But ultimately my decision to leave was a very difficult and really a deeply personal one. I'm a family person—I'm a wife and a mom—and in the end I had to really consider what was best for my family—and specifically, my daughter. She's going into high school this year, and we decided together as a family that her last four years [in school] should be at home in the Northwest. My [family] has been incredibly supportive over my whole career, with the move to D.C. in particular, and they gave up a lot of things so that I could accept this wonderful opportunity. Now I want to shift my attention back to them.

Six years would be a long time away. Yeah, especially as an Indian person

when you know where your home is; it's in your blood, and you know where you belong.

When you were appointed you had four goals: to review and improve consultation and relationship build-



Stevens pushed hard for collaboration in all matters.

ing, training and technical assistance, regulations and agency operations. How far along are you in accomplishing each of those goals?

We've done exceptionally well, and I say 'we' because it's not something that I did alone. It was certainly a combination of team work, not just with com-

missioners but with our staff. And a lot of groundwork was already laid by previous commissions.

We revamped our consultation process by adding informal consultations prior to initiating a formal rule-making process, which really speaks to Executive Order 13175. The EO talks about the need to discuss the need for change before you actually make the change. We also needed to look at how we were relating and communicating and cooperating and collaborating with all these other federal, state and tribal entities that are involved with Indian gaming and regulation and its oversight.

Indian law has a very long and complex history, especially under the Indian Gaming Regulatory Act (IGRA), where there are so many divided authorities shared among federal, state and tribal entities, so really working on those relationships across government agencies was important. Technical assistance and training are mandated by IGRA. We've revised our curriculum to better fit the needs of the industry, and we actively communicated with tribes so that we can provide technical assistance on a daily basis—for which I can thank our field staff who don't get the attention and credit they deserve. They really do all the hands-on work to keep tribes in compliance through technical assistance and training.

Our regulatory review was a massive undertaking, and we admitted that up front. A lot of people looked at our ini-

tiatives and said, “Holy moly, there’s no way you’re going to get this done!” But we took it more as a challenge than as a limitation. Overall, we reviewed more than 20 regulations, finalized 17 and held more than 50 consultations to achieve that. That went through our consultation process, where we had collaborative discussions with many tribes at the table as well as receiving comments from the public. In the end, this process helped us as a commission with fully informed decisions and rules that will further protect the industry, so that was a great success.

The last initiative was an agency operations review, and that was our effort to look at ourselves as a commission in the mirror and really examine our internal operations so that we could better fulfill our responsibilities and duties under IGRA. It has been the most active and longest initiative that we’ve faced. We examined our internal work-flow processes, our communications internally and externally, assignments procedures and priorities, our own compliance, because as a federal agency we do have to comply with federal statutes and regulations, making sure we provided tools to our staff so they could better perform their job, budgeting, standard operating procedures—all of these sort of management and

Indian law has a very long and complex history, especially under IGRA, where there are so many divided authorities shared among federal, state and tribal entities.

organizational functions that all organizations, whether a federal agency or a corporation, face. So it was and still continues to be a major priority for us.

I’m really pleased with our achievements. It’s a success that’s shared with tribes and our own staff, and these initiatives won’t end with my departure because we’ve integrated them into our strategic plan that goes through the year 2018.

All of the responses that I’ve read about the one-touch bingo rule are positive—that’s a 180-degree turn from



Chief Administrative Officer

Full Time, Exempt, “at will” Employee: The Chief Administrative Officer (CAO) has responsibility for directing the activities of the North Fork Rancheria of Mono Indians and is accountable to the Tribal Council for the overall performance of the administrative operations in carrying out the Tribe’s mission. This position is responsible for developing an organizational culture to ensure successful implementation of the Tribe’s programs and operations and for leading the Tribe’s management team. This position provides policy guidance, advice, and counsel to the Tribal Council regarding strategic policy, problem solving, and is responsible for implementing policy decisions made by the Tribal Council. Salary Schedule: GS 11 – GS 13 (2013 RUS), \$57,408 - \$106,369 (DOE).

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Stevens, who has served for three years, is eager to get back to her home in the Northwest.

the chaos over Class II bingo when you became chair. Please talk about the process involved in reaching this point. Is it a model for resolving other contentious issues?

Really what prompted us to look at that type of machine and the way it's played were inquiries from tribal regulators, manufacturers, testing labs asking us to provide some clarity. We examined the previous decision, we looked at previous judicial rulings and IGRA itself, and we concluded that we needed to reinterpret that one particular decision because it better upholds IGRA's definition of bingo, as well as those previous judicial rulings. And really, it's our consultation policy that's a great model for resolving contentious issues. Within our policy there's opportunity for tribes to bring to our attention matters that they'd like to have addressed.

What were the most and least gratifying aspects of being NIGC chair?

I think the most gratifying has been the relationships—the people I've come to know within the agency as well as within the federal family that I can now call my friends. But really the most enjoyable of those connections were with the tribes and their representatives through the consultation process. It's always great—whether it's a good exchange or a contentious exchange—to have that discussion. And that may just be a result of my own upbringing as a Tulalip: coming together and resolving issues. My advice to the next chair is: Communicate, communicate, communicate.

I'd say the least gratifying aspect was I'm not really somebody who likes to be out front. I'm more of a behind-the-scenes person, and I knew this job was going to be completely out front,

and it's not the most comfortable place for me. But it was an opportunity that really was an honor. And a friend and colleague pointed out that if you're not out front, your daughter, your nieces and Native girls aren't going to see women out front. And they need to know that women in leadership is normal, it's expected, and it's achievable.

What are your plans for the future and do they involve Indian gaming?

I made a conscious commitment to Indian country and to serving my own people in one way or another directly or indirectly, so I imagine that's where I'm headed. How that will materialize I don't yet know. I guess time will tell. It'll probably be in the private sector and will probably include Indian gaming along with so many other issues that tribes face. 🎯

The Great Compromise

The 25th anniversary of IGRA is a chance to reflect on what has been accomplished and what still needs to be done

BY GALE COUREY TOENSING

In the decade before Congress passed the 1988 Indian Gaming Regulatory Act, approximately 80 Indian tribes were engaged in some form of gaming, mostly bingo and card games, generating an estimated \$100 million to \$500 million a year in revenue. Fast forward to a recent press release from the National Indian Gaming Commission (NIGC), which reports that in 2012 more than 420 gaming establishments operated by nearly 240 tribes in 28 states generated gross gaming revenues of \$27.9 billion.

That's phenomenal growth in an industry that will mark the 25th anniversary of the Indian Gaming Regulatory Act on October 17. IGRA's stated purpose was "to provide statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments." The law also aimed at protecting tribes from falling prey to organized crime.

The law established the National Indian Gaming Commission as a regulatory body. It categorized three classes of gaming. Class I includes all manner of traditional and ceremonial games and is under total tribal authority.

Class II includes games of chance such as bingo and other games that are played against other players rather than against the house or a player acting as a bank. Tribes maintain authority over Class II gaming, but they have to adopt an ordinance approved by the NIGC, which has oversight of the gaming operation.

Class III gaming includes all other forms of "casino style" gaming such as blackjack, roulette, and slots, the most profitable of all casino games and the

type of gaming a tribe wants to do must be allowed in the state where the tribe is located. Class III gaming requires a tribal-state compact—a legal mechanism by which the federal law enables states to get a cut of tribal gaming profits.

Three important legal battles took place in the 1970s and 1980s leading up to IGRA. The first, *Bryan v. Itasca County*, was a property tax case that set the foundation for the gaming cases to

trailer home on the Leech Lake Indian Reservation. The case went all the way to the U.S. Supreme Court, which issued a landmark ruling in June 1976 that states do not have authority to tax Indians on Indian reservations or to regulate Indian activities on reservations. It was a huge victory for Indian country.

By the time *Bryan* was won, Indian gaming was taking place in almost all regions of the country, sparked by the



A photo of the old Seminole Bingo Hall hangs in the Seminole Casino Classic in Hollywood, Florida.

follow. In June 1972, Russell and Helen Bryan, a Chippewa couple, challenged a \$147.95 personal property tax bill from Itasca County in Minnesota on their

proliferation of state lotteries, according to the Santa Ynez Band of Chumash Indians' report on the history of Native American gaming. "[Several] tribes in



Members of the Seminole Tribe of Florida hold a signing ceremony March 5, 2007, in Hollywood, Florida, to mark the tribe's \$965 million purchase of the Hard Rock cafes, hotels, casinos and music memorabilia.

Florida and California began raising revenues by operating bingo games offering larger prizes than those allowed under state law. When the states threatened to close the operations, the tribes sued in federal court," the report says.

In Florida, for instance, the Seminoles sued Broward County in *Seminole Tribe v. Butterworth* for threatening to shut down their bingo operation. In California, the state and Riverside County's attempt to regulate the Cabazon and

Morongo Bands of Mission Indians' reservation bingo games resulted in *California v. Cabazon Band of Mission Indians*. In both the *Seminole* and *Cabazon* cases, the courts ruled that Indian tribes could conduct whatever level of gam-



ing was allowed within the state free of all state control. *Cabazon* was an enormous victory for tribal sovereignty and self-determination. That's why it didn't stand for very long. IGRA was a way to limit the freedom of Indian nations that



The Seminole Hard Rock Hotel and Casino in Hollywood, Florida, erected in 2007

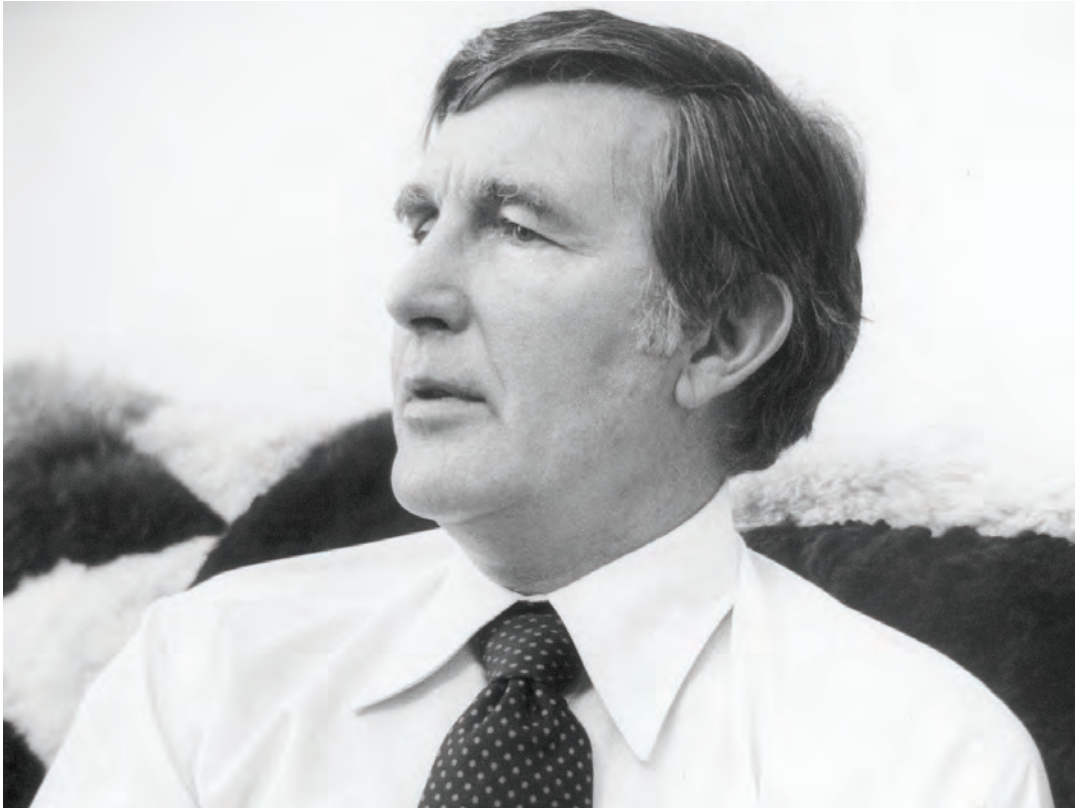
Cabazon affirmed—and states lobbied long and hard for it.

In a House debate in September 1988, on S. 555—the Senate version of the Indian Gaming Regulatory Act that would be signed into law on October 17, 1988—Representative Morris Udall (D-Arizona) talked about the “compromise” in the law. “I stated [on July 6] that I could not support the unilateral imposition of state jurisdiction over Indian tribal governments,” Udall said. “I did state, however, that I remained open to reasonable compromise on the issue. S. 555 is such a compromise.... It is a solution that is minimally acceptable to me, and I support its enactment. The core of the compromise...is that Class III gaming activities...will hereafter be legal on Indian reservations only if conducted under a compact between the tribe and the state.”

So, while some casino tribes have become spectacularly wealthy under

IGRA, most Indian leaders agree that the act imposed a jurisdictional framework of restriction that allowed federal and state encroachments on what had been unrestrained tribal jurisdiction on gaming in Indian country. IGRA’s 25th anniversary, it turns out, is worth recognizing, but not everyone thinks it’s worth celebrating.

“Rather than look back at what we could have or what we should have done, I’m just like my grandma—I say we’ve got to look forward,” Ernie Stevens Jr., the chairman and national spokesman of the National Indian Gaming Association, told Indian Country Today Media Network. “But if I do look backwards, I see that the bottom line is our teachers and our elders, most of whom have gone on, didn’t appreciate where that law went. It restricted our sovereignty, so there are a lot of things that we would have changed. I don’t celebrate IGRA—I celebrate what the leadership did to



Morris Udall

champion that reduced sovereignty and make the best of their conditions. They're the ones that have made Indian gaming the success it is."

Eric Eberhard, distinguished Indian Law Practitioner-in-Residence at the Law School at Seattle University and

preferred to live with the *Cabazon* decision and leave things at that. However, once IGRA was enacted, tribes went to work to make it work as well as possible and have largely succeeded in doing so. The success of tribal governmental gaming is attributable to the hard work and

tribal governments and tribal economic development. "When Congress passed the IGRA, it was not possible to predict the profound socioeconomic and cultural changes that would occur on and near American Indian reservations in the United States due to gaming on tribal lands," Spilde said. "Tribal governments have invested gaming revenues wisely and continue to grow out of poverty while making substantial capital investments in tribal communities as well. By now, it is clear to those both in and outside of Indian country that the two major policy mandates of IGRA have been achieved."

Asked what challenges face Indian gaming in the future, Eberhard, Broadman and Spilde agreed: Internet gaming. "But it's one the tribes can manage effectively so long as the statutory

Cabazon was an enormous victory for tribal sovereignty and self-determination. That's why it didn't stand for very long.

former partner in the Seattle office of Dorsey & Whitney LLP, echoed Stevens. The tribes have always made the best out of IGRA, he said:

"Most, if not all, tribes would have

skill the tribes have brought to bear on the implementation of IGRA, including the integrity of the gaming operations conducted at tribal facilities."

Anthony Broadman, of the legal firm

Galanda Broadman, sees IGRA as a platform for Indian country to flex its economic muscle rather than as a limitation. "Just look at the successes and the corollary development that gaming has spawned. But like sovereignty in general, IGRA is a muscle. It has to be flexed or it will atrophy," Broadman said. "Like all the other gains tribes have had to fight for—gaming, land, self-determination—the vitality of tribal gaming will have to fought for, defended."

Katherine Spilde Contreras, chair of the Sycuan Institute on Tribal Gaming at San Diego State University, said the test of whether IGRA is working is to revisit its original purpose of strengthening



After sunset at the Morongo Casino Resort Spa in Cabazon, California, January 2005

framework for Internet gaming recognizes the role of tribes in the federal system and their inherent authority to both engage in gaming and to have the primary regulatory authority over gaming,” Eberhard said. “Tribes have demonstrated the capacity to effectively regulate all forms of gaming. Any new federal laws intended to regulate Internet gaming should be based on respect for tribal authority and the demonstrated success tribes have had as the primary regulators of tribal governmental gaming activities.”

But the tribal governments need to be proactive, Broadman said. “If tribal governments wait for ‘gifts’ in Internet gaming or urban gaming, they won’t come. Like everything that has been sustainable for economic development in Indian country, new gaming opportunities have to be fought for by tribes. Tribes are quite reasonably focusing on urban markets and will need to attack Internet gaming to stay ahead of stagnation.

“Like sovereignty, IGRA is a muscle. It has to be flexed or it will atrophy.”

These two areas are already causing conflict and will continue to do so.”

In addition to online gaming, tribes face challenges from the expansion of gaming into new jurisdictions, including Massachusetts, Ohio, Pennsylvania and Maryland and more competition within their states as tribes successfully take land into

trust for gaming purposes, Spilde said. “Tribes are remarkably resilient, but these competitive forces will require increased efficiencies to retain current revenues. While the recession of 2007–2008 saw Indian gaming revenue growth stall, we saw Indian gaming continue to provide essential revenues necessary to insulate tribal communities from significant losses. Regardless of outside conditions, we see that tribal gaming continues to be both a consequence of tribal self-determination and a support for it.”

Attorney Judy Shapiro, who has practiced Indian law for nearly three decades, pointed out IGRA’s limitations. “IGRA has been an enormous benefit for many tribes, but the benefit is not equally distributed. There’s a small number of very, very successful tribes and a much larger number for whom gaming means jobs and a lesser level of poverty, and many tribes don’t have casinos at all,” she said. “The problem is people see the successful tribes and

think there are no more problems in Indian country. We have to understand that IGRA is not a solution for all the unmet needs of Indian country. We can’t let the story of a few successful tribes be a diversion from the continuing responsibility to tribes that still face the chasm between needs and funding.”



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Playing the Gaming Game

NIGA Chairman Ernie Stevens Jr. talks about how Indian country leadership made the best of IGRA

INTERVIEW BY GALE COUREY TOENSING

The National Indian Gaming Association (NIGA) is a non-profit Indian gaming advocacy organization established in 1985 in the midst of the red-hot controversy over the Cabazon and Morongo Bands conducting bingo and a card club on their reservation lands in California. That was before the Supreme Court issued its landmark ruling *California v. Cabazon Band of Mission Indians* in 1987 that Indian tribes have the right to conduct gaming on their land without state interference. Congress—and the states—scrambled to quash that kind of freedom and self-determination. The result was the passage of the federal Indian Gaming Regulatory Act (IGRA) on October 17, 1988, which restricted tribal sovereignty by imposing an extensive regulatory system, and allowing states to elbow their way into tribal profits via tribal-state compacts. For the 25th anniversary, Indian Country Today Media Network spoke with NIGA Chairman Ernie Stevens Jr. about IGRA, NIGA and the future of Indian gaming.

What are your thoughts on IGRA and NIGA?

The *Morongo and Cabazon* decision should have opened up an industry for Indian country, a new world for us, and we did ultimately do that, but [with] NIGA, we knew we were going to be up against it. We knew there were going to be challenges and we wanted to prepare for that, so we got some of our most astute leadership to stand firm, yet diplomatic and respectful, to try to tell Washington and those states that we're not standing down and we're not giving

any ground. Obviously, when Congress makes a law we have to follow it, but those people who stood firm...are adamant that we should not have yielded to the changes that took away tribal sovereignty. Of course, we didn't have any choice—the law is the law, we have to move forward. Those leaders, those administrators, those regulators, those gaming managers made the best of a law that took us backward, took away our rights. We celebrate the work we do despite the fact that the victory in *Morongo and Cabazon* became a setback in [the form of] IGRA. We do the best with that [limitation]. Those folks knew

“I don't celebrate IGRA—I celebrate what the leadership did to make the best of their conditions.”

we were going to have to defend our rights and engage in Washington, D.C. and throughout the United States and deal with—how can I say it?—when people make stuff up....

Lies?

Ha, yeah—we've got to figure out a



At the 2011 Nike N7 Sport Summit, Stevens shows off the Nike swoosh he tattooed on his calf in his early 30s.

more diplomatic word for *lies!* NIGA was formulated to protect our industry, advocate for our industry and to educate about our industry, and those forefathers had a brilliant idea, and I'm just a part of utilizing their energy, their direction and their encouragement. So I don't



Stevens at the 2011 Global Gaming Expo

celebrate IGRA—I celebrate what the leadership did to make the best of their conditions. They're the ones that have made Indian gaming the success it is.

What were you doing back then?

I was in college because I could not find a job, not even on my reservation. As gaming started to evolve I finished my educa-



Stevens addresses NIGA tribal members at their 2012 trade show.

tion and made my way back home and in 1993 when I was first on the council working directly with gaming for my tribe, we hired 1,000 people. We were the number one or two top employers in northeastern Wisconsin. Not only did I find work for a lot of Indian people but I found work for a lot of non-Indian people who came and worked for the tribe. But I do remember having little kids and being poor, and a time when the bill collector would come to pick up my car. Memory serves to help others to not have to walk in that kind of struggle. But right now a lot of people are experiencing those struggles and guess what? Indian gaming still creates jobs and keeps people employed in one of the toughest times in American history.

I don't think the general public has a clue about how much Indian gaming contributes to the general welfare. How do you educate people about that?

You never run out of the need to educate America about tribal gaming but even more so to reflect on history so that people can understand that because of all the terrible things done to people and the federal government not living up to their share of treaty responsibilities and promises they gave us for giving up our land, we still have to provide for ourselves. [Some] people don't understand that. They think, Oh, they're on the reservation and they don't have a lot, so we gave them casinos. The fact is we had gaming long before there was any European contact. The game of lacrosse is the Creator's game, and we played it in ceremony before it became a competitive sport. We engaged in trade and economic development long before there was a U.S.A.

What do you see as the challenges, successes and priorities for NIGA and Indian gaming in the next 10 years?

We have to take a look at potential competition, and we have to deal with this Internet world. We continue to fight

to ensure that if this Internet gaming law starts to evolve, we are treated like governments. We have to make the adjustments to the economy. Too many people think this [economic downturn] is just going to go away and it's all going to be good again. Indian country knows about struggling economies. That's why tribes are doing well—they're working their way through the struggle because this has always been our world. I say, 'America, welcome to our world.' We're always trying to cut corners and make the most of what we have.

In the next 10 years we've got to take Indian gaming and economic development forward. I'm here in North Dakota meeting with Tex Hall [chairman of the Mandan, Hidatsa and Arikara Nation], and that's what we're doing—we're talking about tribal economic development, tribal resources being shared with other tribes and other casinos, and really trying to pull this kind of energy together and pull Indian gaming and, most important, tribal economic development to a new level. Whether it's Internet gaming or anything else we will evaluate it and demand to be treated fairly while we keep trying to enhance our gaming market.

I've watched a lot of kids go through college and come out and be gaming managers, slot techs, general managers, policemen and women, lawyers. We have to continue that trend. We have to move our economies forward, not just in diversifying, but by strengthening and building upon the gaming world we've built. 🌀



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THE WIDE, WILD WORLD OF GAMING

Global gaming, from Australia to Zimbabwe and most places in between

Ever wonder how many slot machines there are in all of Africa? Parking spots at the only legal casino in Malaysia? Electronic bingo games in Central America?

The answers: 30,297; 7,289; and 154, respectively.

Those, and many more intriguing numbers—including estimates of revenue, where available, by country and region—are included in the 2013 edition of *Casino City's Global Gaming Almanac*. It's the seventh edition of this international guidebook from a company that has delved deeper than most into the vast and varied world of gaming.

For tribal officials wanting to learn more about the global market, financial, legal and regulatory information about land-based and online gambling in 200 regions and jurisdictions around the world, it's all here in a text-heavy volume that comes in at just under 670 pages. That includes a section listing more than 300 gaming property owners worldwide, along with their contact information, just in case you want to get in touch.

There are interesting charts and graphs sprinkled throughout, including sports betting growth, by region, from 2008 to 2011. And fun facts galore—the Royal Commission in Western Australia in 1972 granted bingo permits to religious and charitable organizations, reasoning that “legislating and regulating bingo would satisfy individuals’ desires for gambling while both supporting worthy causes and protecting


the population from the criminal elements often associated with gambling.” But the most fascinating data, as always, are revenues. Yes, there's a lot of money in gaming. Who knew?

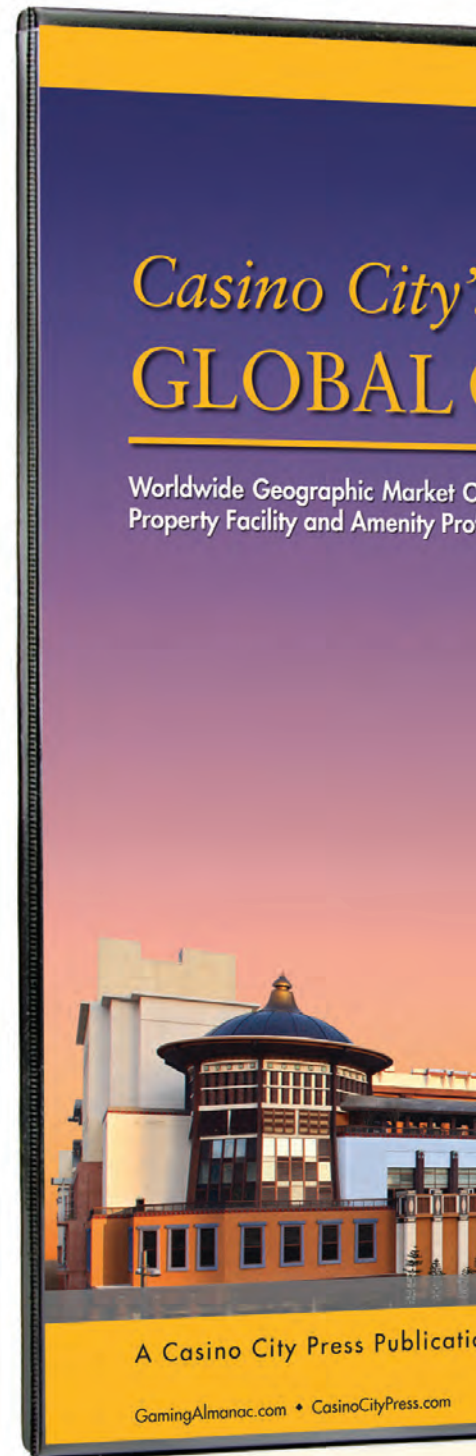
No one can be an expert on every casino in the world, but the publishers of this almanac try to offer the most complete information possible, highlighting a whopping 4,200 gaming properties. It's a lot to take in, and the details—like the aforementioned parking space highlights—can sometimes lead the reader to wonder who on Earth really needs to know all this stuff.

Even with everything included in this tome, American commercial and tribal gaming is not covered in it, so you'll need another book for that. (Casino City sells separately its *Indian Gaming Industry Report*.)

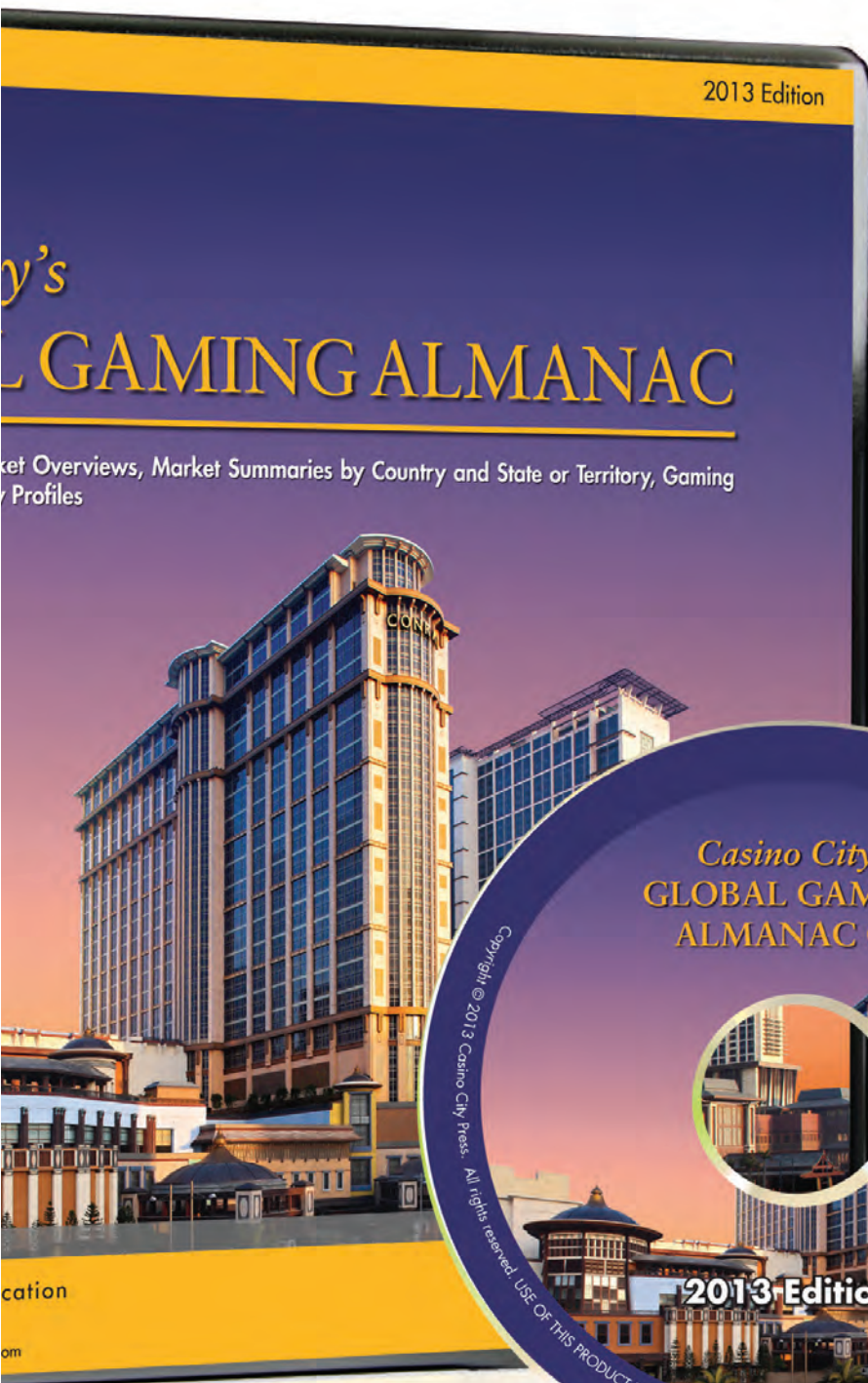
The print edition is available with a CD version of the almanac that offers a spreadsheet tool enabling custom gaming property marketplace analysis by geographic area and by type of gaming facility along with a MapPoint file displaying every gaming property in the world geographically on a map. More than 160 annual reports of gaming businesses based outside North America are also provided on the CD along with a PDF version of the almanac.

The volume with CD sells online at CasinoCityPress.com for \$1,199.95.

Casino City has granted ICTMN permission to feature the information from the almanac on the following page. 



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Indian gaming revenue nationwide grew **3.4%** in 2011 to approximately **\$27.4 billion**, marking the second straight year of growth since the end of the Great Recession.

In 2011, **242 tribes** operated more than **341,000 gaming machines** and **7,700 table games** in **460 gaming facilities** across **28 states**.

Indian gaming facilities, including nongaming operations, directly supported about **339,000 jobs** and **\$12.3 billion** in wages, and made over **\$1.4 billion** in payments to nontribal governments in 2011.

Indian gaming grew at twice the rate of the commercial casino segment, which was **1.7%** in 2011. However, the racino and cardroom segments outgrew Indian gaming with **8.1%** and **3.7%** growth, respectively.

Indian gaming generated approximately **44%** of all U.S. casino gaming revenue in 2011.

The top five states—Washington, Florida, Connecticut, California and Oklahoma—accounted for about **61%** of the total revenue at all Indian gaming facilities.



WORLD NEWS

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