



# UPDATE

## One Nation United

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### Dear ONU Members, Friends, Elected Officials, and Fellow Concerned Citizens across America:

Happy New Year Greetings! We have lots of news to report, both good and bad. 2005 was a very busy year. We need to fill you in on our progress and ask for your continued support for our dedicated efforts in 2006.

### ABRAMOFF SCANDAL SHAKES UP DC

Washington, DC, and the national press corps are buzzing right now with news of one of the biggest scandals in our Nation's history. Jack Abramoff and his partners in crime have pled guilty to numerous felonies, most involving millions of dollars donated by "poor" Indian tribes. We've been saying for years that the influence peddling, corruption, and outright bribery of elected officials by tribal leaders nationwide would ultimately be publicly exposed. To give you an idea of the huge dollar amounts involved, as is currently being discussed by all the "Talking Heads" on TV:

The Louisiana Coshatta paid \$30.5 million to Abramoff's companies & nonprofits over two years.

\*The Mississippi Choctaw paid about \$14.7 million to ONE of his businesses over three years.

\*The Tigua of Texas paid \$4.2 million to Abramoff & his partners in 2002 alone.

\*The Saginaw Chippewa of Michigan paid Abramoff about \$3.5 million in one year's time.

\*Together, Indian tribes contributed over \$82 million just to Abramoff, his partners & companies!

Federal elected officials and top staffers on both sides of the aisle are very worried about whose names will be revealed as a result of the plea bargains negotiated with Abramoff and his partners by the U.S. Department of Justice. Four separate committees will be holding hearings on this whole sorry mess, including the Senate Finance Committee and the Senate Indian Affairs Committee. We expect several members of Congress to lose their seats when the truth emerges. (GOP Majority Leader Tom DeLay has already given up his leadership post as a result!) The surest way for Americans to discourage elected officials from providing unfair favors to tribal interests is to vote out those who pander to them. Remember, you have this power at the ballot box!

(continued on Page 2)

### FEDERAL GOVERNMENT'S EXPANDING ROLE

*"Bill Clinton in 1998 established a Tribal Office in at least 25 federal agencies. And Indian tribes are treated like governments when it comes to the millions they get in federal handouts. Yet, unlike state and local governments, tribes can give cash to election campaigns. That, in part, explains the \$82 million that tribes paid Abramoff. And that amounts to backdoor public financing of political campaigning - - which is the last thing American taxpayers want their taxes spent on. The efforts of Hastert and Dreier to fix Congress' Abramoff problem only ignores the \$82 million cigar store Indian that's been standing right before their eyes all the years Republicans have been in the majority: Washington's big government problem."*

*-Investor's Business Daily  
Editorial, January 10, 2006*

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## THE TIDE IS TURNING OUR WAY!

We have two exciting federal court wins to report. The U.S. Supreme Court handed down key rulings on a case out of New York State and in another important case in Kansas, both with nationwide ramifications. (California tribes also lost two sovereign immunity cases in state courts, meaning the courts found that Indian tribes can be sued to enforce state campaign finance laws!)

### MORE SUPREME COURT WINS

In City of Sherrill v. Oneida Indian Nation, the Supreme Court overturned previous court wins by the tribe and voided the Nation's sovereignty over its lands. In the six months since that ruling was made, the Oneida Nation has for the first time paid more than \$1.5 million owed in back property taxes, finally allowed county health inspectors into their Turning Stone Resort & Casino kitchens, and paid a large fine to the federal Occupational Safety & Health Administration.

Tribes lost the first significant Indian case to come before the John Roberts Supreme Court. In a 7 - 2 decision written by Justice Clarence Thomas (Wagnon v. Prairie Band Potawatomi Nation), the High Court upheld a Kansas fuel tax that the Prairie Band Potawatomi Nation maintained had singled out a nation-owned service station on reservation land, while a federal court in Washington State reached the opposite conclusion in a similar case on November 22 of 2005.

Kansas is seeking to impose its fuel tax on gasoline sold to non-Indian customers at the Prairie Band Potawatomi's gas station, near its casino. The 10th U.S. Circuit Court of Appeals ruled in October of 2004 that the off-reservation transaction by the fuel distributor, the point of taxation, directly impacted the Potawatomi economy.

Although the 10th Circuit had accepted the tribal argument, the Supreme Court ruled the tax "poses no affront to the Nation's sovereignty." Kansas designed the tax to apply to the non-Indian fuel distributor. It is valid, Thomas said, because it is "a non-discriminatory tax imposed on an off-reservation transaction between non-Indians." The High Court held that Kansas' tax did not infringe on tribal sovereignty because it was imposed before gas reached the reservation.

There are many states now facing budget deficits of hundreds of millions as a direct result of tribes refusing to collect or remit state and local sales taxes on fuel purchases by non-Indians. New York State is prime example of the problem! Washington State and Oklahoma are also being hurt terribly, along with innocent small business owners in dozens of states.

The ruling rejected the 10th Circuit's expansive definition of a tribe's economic scope, but it is unclear how the ruling will impact several other tribal tax cases which have had different outcomes in separate jurisdictions.

The Supreme Court's fuel tax ruling came down just as the 1st Circuit Court of Appeals in Boston held a six-judge rehearing of its decision on Rhode Island's raid on the Narragansett Indian Nation's smoke shop two and one-half years ago. A three-judge panel of this court had previously ruled that the State's cigarette tax was permissible because it affected consumers and not the tribe.

The issue that decided the Supreme Court case was the technical question of "tax incidence." In the Kansas case, the High Court found that the state statute expressly imposed the fuel tax on the distributor who, in turn, passed this cost along to the retail purchaser.

It's unclear whether the recent Supreme Court ruling that states have the power to tax fuel sold on Indian reservations will affect tribes in states such as Washington and Oklahoma, where tribal-state compacts have been negotiated. Because each state's fuel taxation statutes are written differently, the impact of the ruling will likely vary from state to state. The Kansas statute will surely now be copied by other states.

Last year, Washington State tribes were freed from State gas taxation by a federal judge in Seattle. The Squaxin Island and Swinomish tribes had filed a suit against the State to stop them from levying the fuel tax on reservation. U.S. District Judge Thomas Zilly ruled on Nov. 22, 2005, that WA's fuel tax law "illegally imposes the ultimate tax burden" on tribal retailers. He asked tribal attorneys to craft a permanent injunction prohibiting the State from collecting a fuel tax on reservation. Washington Assistant Attorney General Mary Tennyson said this recent High Court ruling "provides us with a basis to seek reconsideration from the Judge." And, if the State cannot persuade Zilly to change his mind, Tennyson says the WA State Attorney General will appeal his ruling to the 9th U.S. Circuit Court of Appeals. Thanks AG Rob McKenna!

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### FEDERAL BAR ASSOCIATION SPEECH

On October 20, 2005 Barb Lindsay, National Director of One Nation United, spoke at the Seventh Annual Indian Law Conference of the Federal Bar Association (FBA) on the subjects of private property rights, tax equity, public safety, tribal land and water claims, as well as Indian casino/gambling expansion issues. The FBA is a professional organization for private and government lawyers and judges involved in federal law practice. To obtain more information about this conference contact Barb at (805) 523-0524.

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### NEWS FROM NEW YORK

The Seneca-Cayuga Tribe of Oklahoma and the Cayuga Nation of New York were dealt a major setback when the Second Circuit Court of Appeals, in a 2-1 decision last June, threw out their 64,000-acre land claim on the basis that the tribes had waited too long to file their lawsuit and that the lawsuit is too "disruptive" to local governments. The case has been appealed and awaits a decision by the U.S. Supreme Court as to whether they will accept the case for arguments or reject the tribal appeal.

Also in New York, the State's economic development agency said the State should move forward with eminent domain proceedings to help the Seneca Indian Nation acquire land around its Niagara Falls casino. This is the sad result of a U.S. Supreme Court decision handed down last year called Kelo v. City of New London. We predicted at that time that tribes would quickly take advantage of this extremely misguided court ruling and start abusing eminent domain.

The Senecas were promised land as part of their 2002 compact with the State. That agreement let the Tribe build the casino and two others in western New York in exchange for sharing slot machine profits. The Tribe has bought about half of the 50 acres it was promised in Niagara Falls, but hasn't been able to close on two dozen downtown acres because they contain privately-owned homes and businesses.

After a public hearing and review, the Empire State Development Corporation concluded that the Senecas' plans to expand their casino-based operations would be "good" for Niagara Falls. Sadly, the agency decided that the State should exercise its power of eminent domain on the Tribe's behalf.

The owner of a water park, John Bartolomei, says that he'll challenge the State Agency's eminent domain proceedings in court. Best wishes to Mr. Bartolomei! We sincerely hope he wins!

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## WASHINGTON STATE NEWS

House Pre-filed Bill 2367 (Expanding tribal police jurisdiction over non-Indian citizens): Introduced by Rep. Al O'Brien-D on December 22, 2005. This is a terrible bill that blurs the jurisdictional authority of tribal police, who have no authority over non-tribal people, and legitimate state, county, and municipal police officers. Citizens stopped by tribal police would not be able to determine if the police are acting under authority of the tribe or state authority. **\*\*\*STRONGLY OPPOSE THIS BILL\*\*\***

Senate Bill 6301 (Tribal Gambling):

Introduced by Sen. Margarita Prentice-D on January 10, 2006, to provide that: "Unless authorized by: (1) the affirmative vote of sixty percent of the members of each House of the Legislature; or (2) A compact in effect before the effective date of this act; no compact entered into or amended after the effective date of this act shall authorize or propose to authorize Class III gaming on lands acquired by the United States in trust for the benefit of an Indian tribe after October 17, 1988." The bill has an emergency clause. If you are a WA State resident, please contact your state representative and senators, urging them to vote yes on SB 6301 and its House Companion bill: H.B. 2657, Sponsors: Condotta, Hinkle, Serben, Chandler, Holmquist, Woods, Tom, Newhouse, Kristiansen, Sump, Skinner, Kretz. Details at [www.wavotes.org](http://www.wavotes.org) This bill deserves strong support! Call your legislators!

*Are you a member of an airline mileage plan and have miles that you'll probably never use? Instead of letting them go to waste, consider using them to purchase tickets for One Nation United travel. Call Barb at 206-660-3085 if you can help.*

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## OREGON NEWS

According to a Jan. 8 Oregonian column by Steve Duin (Portland, Oregon), gambling is threatening to overwhelm the state. Duin spoke with People Against a Casino Town (PACT) attorneys, Alexis Johnson and Kelly Clark about the Abramoff scandals and recent ruling from the U.S. District Court on PACT's attempt to close down an Indian casino in Florence.

"Abramoff is just one little tiny sucker on a tentacle of a really huge octopus," Johnson said, a beast that corrupts congressmen and constitutions alike. "This is pandemic corruption. Why are people so lazy about their public safeguards these days?"

According to Duin, the PACT lawsuit ruling issued by U.S. District Judge Ann Aiken in late December, said that (a) the plaintiffs living in Florence had no standing to object to increased gambling activity in town; and (b) the Oregon Constitution prohibits gambling establishments, not gaming activities, and (c) that the Oregon Constitution is superfluous when it "interferes or is incompatible with federal or tribal interests."

Kelly Clark, the lawyer representing those Florence residents, said the attitude of the law, the governor and Oregon's attorney general "seems to be, 'Shut up. Don't rock the boat. We have a deal here where bucketloads of money are coming in. The tribes are doing well. The fix is in.'"

According to Duin, back in 1988, Oregon's then-Gov. Neil Goldschmidt collided head-on with the campaign to introduce video poker to a state where casinos were outlawed by the constitution. "They have tried to sucker the lottery into signing up for this deal on the theory that it represents more money,"

Duin said that Oregon had rolled from one governor declaring war on gambling interests in 1988 to Chip Lazenby, Gov. John Kitzhaber's legal counsel, declaring ten years later, "We're fused at the hip with the tribes on this gambling stuff."

Gambling grows, Johnson argued, through small steps designed to erode moral objections: "First it's church-based charity bingo, then Indian gambling, then class II gambling. We roll from green felt in church basements to Chinese-owned casinos on alleged Indian ground in Connecticut."

For the full article, see PACT's website:  
[www.teloflex.com/pact/news-060108-overwhelm.html](http://www.teloflex.com/pact/news-060108-overwhelm.html)

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## WISCONSIN NEWS

Assembly Bill 461, to give the people of Wisconsin a stronger voice in what happens in their local communities, is moving through the legislative process in the Wisconsin State Capitol. Under current law, before an Indian gaming establishment may be located on Indian lands taken into trust ("off-reservation" lands), the Governor must concur with the decision of the U.S. Secretary of the Interior that the proposed Indian gambling establishment would be in the best interest of the Indian tribe and its members

and would not be detrimental to the surrounding community. Thus, the current system leaves the final say to just one elected official. But tribal gambling is a serious issue that impacts many residents and communities in different ways. Many elected officials and local citizens believe the tribal gambling industry deserves more public scrutiny. AB 461 requires that the Governor may not concur with the decision of the Secretary of the Interior unless the Wisconsin Legislature first concurs in that determination by joint resolution. WI residents are urged to contact their representatives in the State Legislature, urging them to vote "yes" on AB 461, an excellent bill which would restore some checks and balances and accountability to the tribal casino industry.

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## REFORM COMING TO INDIAN GAMBLING

Rep. Mike Rogers of Michigan recently renewed his call for comprehensive reform of Indian gambling laws and also announced that he is introducing a bill to provide for a two-year moratorium on creation of new tribal casinos.

Rogers, a former FBI special agent specializing in investigation of public corruption, is calling for a full investigation of how the existing "fee-to-trust" process is being exploited by certain tribal leaders and their deep-pocketed financial backers, as has been widely reported by the national news media. (See Wall Street Journal article enclosed, dated January 5, 2006)

"Putting a complete halt to new tribal casinos for two years would give us time to get our arms around the process and better understand the problem," said Rogers. "Closing the loopholes in current law will help prevent further abuse and create a tougher system of 'checks and balances' than what we have today."

Rogers' proposed reforms would make common sense changes to Indian gaming law, including:

- \* Prohibiting tribes from "reservation shopping" or acquiring new land that is not contiguous to their existing reservation for the purposes of a new casino.
- \* Doubling funding for the National Indian Gaming Commission, requiring it to conduct all background investigations, and expanding background checks to the top 10 financial interests in any new Indian casino.
- \* Requiring the approval of both the Governor and the State Legislature for any new Indian casino compacts.
- \* Directing the Department of the Interior to conduct 'Economic Impact' studies to determine if new tribal casinos would have negative impacts on communities and businesses located within a 50 square mile radius.
- \* Requiring new tribes seeking land-into-trust or federal recognition to declare in advance their intent to build casinos.

Rogers says introducing legislation requiring a two-year moratorium on new Indian casinos will be his first order of business when Congress reconvenes in January. "With 223 Indian tribes operating 411 casinos in 28 states and bringing in more than \$18 billion in revenue annually, there is just too much money involved and no way to fully account for it," Rogers said. "Closing loopholes is crucial if we are going to end the exploitation."

*Editor's Note: The Rogers' bill will be given a bill number after he has completed recruiting co-sponsors and officially submits the bill for consideration. Hearings will hopefully follow later this Spring. Please let us know if you might be available to testify in person in favor of this legislation? If you are willing and able to travel to Washington, DC, to testify, call Barb Lindsay at 206-660-3085 or 805-523-0524 to leave your name, your organizational affiliation or business name, your address, and your phone number. Thank you for your help!*

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## INDIAN GAMING REVIEW "LONG OVERDUE"

John McCain, who helped author the Indian Gaming Regulatory Act, says that review of our Nation's Indian gambling policy is "long overdue". "Never in our wildest dreams...did we envision that Indian gaming would become the \$19 billion-a-year enterprise that it is today," says McCain. "It's long-overdue time to review the impact and implications of the Indian Gaming Regulatory Act from a broad variety of aspects."

More exciting news on Capitol Hill is legislation being proposed by the Chairmen of both major committees which oversee tribal gambling activities: Senator John McCain, Chair of Senate Indian Affairs Committee and Rep. Richard Pombo, Chair of House Resources Committee.

As we go to print on this newsletter, neither bill yet has a number. But we can give you a brief overview and comparison/contrast between the House and Senate versions of IGRA reform: Revision of 25 USC 2719 (b)(1):

McCain's proposed legislation, like Pombo's draft IGRA reform bill, completely shuts down off-reservation gambling for existing in-state and out-of-state tribes under IGRA's two part determination. The two part determination requires a finding by the Secretary of the Interior that a new gambling casino will be (1) in the best interests of the tribe and (2) not detrimental to surrounding community. It also requires the Governor of the state where the facility will be constructed to concur with the Secretary's finding. With McCain's amendments, existing tribes may not pursue off-reservation lands for gambling unless the tribe had an application pending with the BIA as of November 18, 2005. Pending applications would be reviewed as they have been under the two-part determination. The amendments, in effect, prevent any future efforts by tribes to secure off-reservation lands for gambling under the two-part analysis.

McCain, however, permits gambling approvals as part of land settlement agreements, as long as the acquired lands are in the same state as the tribe's initial reservation. Gaming on lands by newly recognized or restored tribes or on a tribe's initial reservation also is permitted - - if the tribe has a temporal/historical/geographic connection to the land.

Pombo's proposed legislation similarly limits off-reservation gambling facilities to the lands of newly recognized, landless and restored tribes. His draft, however, does not allow for gaming incident to land settlements.

Furthermore, Pombo goes beyond the geographic connection language of McCain's amendments to require a number of other conditions for gambling approval including: (1) state legislative concurrence, (2) approval of nearby tribes and (3) local government/county approval by referendum. Pombo's most recent draft bill language also includes a 'grandfathering' clause (i.e. a new requirement that the casino be within the same state as the Indian tribe; a new requirement of 'geographic, social, and historical' nexus to the tribe; a new requirement of no detriment to 'nearby' Indian tribes; a new requirement of concurrence by state legislatures; a new requirement of concurrence by 'nearby' Indian tribes; new requirement of concurrence by neighboring local governments; and, finally, a new requirement of actual concurrence, rather than Secretary of Interior's determination of concurrence after consultation).

On the issue of reservation shopping, each bill has good points and bad points. McCain's bill is a lot weaker than Pombo's with respect to restored tribes and new tribes. The requirement for approval by both the State Legislature and the local community is a major difference. However, Pombo's bill includes a goofy provision allowing one tribe to come onto another tribe's land to build a casino. We call this "piling on" and it is particularly offensive because a tribe with an existing compact but without a facility could pile onto any existing tribal casino site and tribes with small facilities might also choose to close down on their own reservation and open on those with better locations. McCain's proposed bill language thankfully does not include this bad provision.

McCain seems to be targeting off-reservation gambling by out-of-state tribes, while Pombo seems to be trying to address the very real strain of off-reservation tribal casinos on local resources and infrastructure more generally. In addition to requiring both landless status and stringent requirements for agreement from affected parties, Pombo's language makes the agreement requirements even more stringent. Although each bill has its good points and bad points, McCain's bill is a lot weaker than Pombo's with respect to restored lands and new tribes. Pombo's requirement of approval by the State Legislature and the local community is the major difference.

Finally, we need to communicate to McCain that the "grandfather provision" in his bill—regarding land already approved for gambling— should apply only to land formally approved under the procedures in IGRA, including consent by the Governor. So in the case of San Pablo, where Rep. George Miller by-passed the formal process by back-dating the land acquisition, or any similar case where a tribe by-passed the federal process for acquiring land and having it approved for gambling, that land and casino should not be grandfathered in.

SEND YOUR COMMENTS ON THE MCCAIN BILL TO:

Hon. John McCain, Chairman, Senate Indian Affairs Committee,  
U.S. Senate, Washington, DC 10510  
Tel: (202) 224-2251 Fax: (202) 224-5429  
Email comments on McCain bill to:  
Jeanne\_bumpus@indianaffairs.senate.gov

SEND YOUR COMMENTS ON THE POMBO BILL TO:

Tom Brierton, Senior Professional Staff  
House Resources Committee  
1413P Longworth House Office Building  
Washington , DC 20515  
Email comments on the Pombo bill to:  
Tom.brierton@mail.house.gov  
rpombo@mail.house.gov  
Resources.committee@mail.house.gov  
Chris.fluhr@mail.house.gov

SEND YOUR COMMENTS ON THE ROGERS' BILL TO:

Andy Keiser, Legislative Director  
Hon. Mike Rogers – 8th District, Michigan  
U.S. House of Representatives  
133 Cannon House Office Building, Washington, DC 20515  
Tel: (202) 225-4872 Fax: (202) 225-5820  
Email comments on Rogers' bill to: Andy.Keiser@mail.house.gov

A brief overview of Rep. Mike Rogers' proposed 2-year moratorium bill:

#### Section 2: Background Checks

A. Current law requires background checks for the top ten primary investors in an Indian Casino, Indian tribal gaming council members, and for management contract officials. This section would include ANY financial top ten interest involved in the opening of a casino. (A lease arrangement for slot machines is an example). The National Indian Gaming Commission (NIGC) must approve all top ten financial arrangements.

B. This section requires ALL background checks to be conducted by the National Indian Gaming Commission. Current law allows the tribes to conduct background investigations internally by tribal gaming councils, which oversee the operation of the casino. (Some tribal gaming councils include convicted felons as reported by the *Los Angeles Times*)

C. Because the NIGC would have a far greater workload under this bill, it would double the authorization for the NIGC. The appropriated amount for the NIGC has exceeded the authorized amount regularly. Mr. Rogers' is seeking to avoid the accusation that he is attempting to bury the NIGC in paperwork to delay the process.

#### Section 3: Declaration of Intent To Gamble

A. The bill would require a tribe to declare its intention to gamble on land into trust in its initial application to the Bureau of Indian Affairs. Though in practice, this is regularly done currently, the law allows a tribe to acquire land and not declare an intent to build a casino until later in the process, when it is more difficult to stop (the practice of bait and switch).

#### Section 4: Economic Impact Study

(over, please)

A. The purpose of this section is to require the Department of Interior to conduct an Economic Impact Study of 50 miles radius and ensure the tribal casino would not have a negative impact on the surrounding area.

Section 5: Approval by State

A. This section requires both the State Legislature and Governor to approve a new compact for Class III gambling. Current law reads that the State Governor shall approve and has been interpreted to mean many different things.

Section 6: Ban on Off-Reservation Casinos (Important!)

A. This section restates the existing exemptions of IGRA and would prohibit new land from being taken into trust that is not contiguous to the tribes' reservation.

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## NEW AIR QUALITY RULES GO INTO EFFECT

For the first time, the U.S. government has started enforcing a new rule prohibiting outdoor fires on Northwest Indian reservations during periods of unhealthy air stagnation.

The ban was implemented for the first time on the Yakama Nation on Nov. 16, 2005, then expanded the next day to all reservations across Washington, Oregon and Idaho.

Until the U.S. Environmental Protection Agency recently began enforcing the new rule (announced in June of 2005) allowing the federal government to enforce the Clean Air Act on thirty-nine Indian reservations in Idaho, Washington and Oregon, there was little air quality protection on tribal lands.

The new rule is the first of its kind in the nation. “(Previously) if someone was burning garbage or anything on a reservation, there was no way any local, state or EPA official could take action.” said Anne Dalrymple, an EPA environmental scientist in Seattle.

The gap in enforcement left 200,000 Northwest residents living near and within reservation boundaries (most of whom are non-Indians) vulnerable to exacerbated respiratory illness during periods of smog that can blanket the region at some times of the year.

The rule gives EPA sole enforcement authority on when to allow outdoor burning by both tribal and non-tribal members living on reservations in the three states. The Northwest EPA Region has more recognized Indian tribes than any region in the country. Thus, EPA officials felt this area had the most urgent need for public health air quality protection due to climate and terrain.

Once EPA declares a burn ban, no outdoor fires are allowed except for ceremonial purposes. The new rule also requires residents of the Nez Perce reservation in north central Idaho and the Umatilla reservation in northeastern Oregon to get permits for agricultural, forestry and open burning, even when no burn ban is in effect. This rule was long overdue and much needed in terms of public health.

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## PRESIDENT BUSH SIGNS IMPORTANT BILL

Legislation aimed at clarifying jurisdiction on criminal cases within Pueblo boundaries was recently signed by President Bush after being approved by the House in December of 2005. The measure was sponsored by members of New Mexico's Congressional Delegation.

The bill stems from court decisions that left confusion over whether federal, state or tribal law enforcement officials have jurisdiction on thousands of acres of privately owned land within the boundaries of Indian Pueblos.

Members of the New Mexico Congressional Delegation say the measure will eliminate what they term “prosecution-free zones.” It clarifies federal and state authority to try cases linked to crimes on private lands lying within Pueblo boundaries.

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## OUR NEW OFFICERS & BOARD MEMBER

The ONU Board of Directors held its annual meeting on Dec. 30, 2005, via teleconference. The major topics discussed were expansion of our membership recruitment activities across the nation, the resignation of a board member, election of a new board member, and the election of new corporate officers.

Mr. Clay Harrison of Aiea, Hawaii, (and Hoodspport, WA) tendered his resignation effective Dec. 31, 2005. Clay has been a valuable member of the Board since the founding of our predecessor organization in 1989. Clay will remain active as a member of ONU.

Rancher and General Contractor Larry Boggs of Oklahoma was elected to our Board effective December 30, 2005. Larry brings



*President David Jaques*

valuable experience in the agricultural / business community and expands the geographical makeup of our Board to the Southeastern part of our country. Larry is a lifetime Latimer County resident. His Red Oak Ranch is located east of Wilburton. Larry attended Eastern Oklahoma State before joining the Air Force. He served in Vietnam and then enlisted in the Army Reserves upon completion of active duty. He has a black baldie herd, small purebred Shorthorn herd, and also raises hay on his ranch, which has been in his family since 1951. His wife, Karen, is a real estate broker and property management specialist. He also serves on the board of directors of the Oklahoma Farm Bureau. Welcome aboard, Larry, and thank you for joining!

The new President of our organization is David Jaques of Winston, Oregon. David has been on the front lines of grassroots politics in Oregon for the past 26 years. He has served as campaign manager for a U.S. congressional campaign, Field Director for a Gubernatorial candidate, Field Director for a Presidential race, and managed county commissioner campaigns in Douglas County, electing the two most recent County Commissioners. David is currently Chairman of the Douglas County Planning Commission. He has served on the Planning commission since February of 1996. Douglas County is the fifth largest of the 36 counties in Oregon, and often times ground zero for land use and political controversies in Oregon. Thank you for serving us, David!

Our new Secretary/Treasurer is Kim Halvorson of Marysville, Washington. Kim has more than 18 years of experience in the healthcare technology arena, specializing in leading edge technologies relating to all areas of healthcare. Kim is the founder of Orthoflow, Inc. a postoperative pain management system specializing in orthopedic surgery. Prior to founding this company, Kim worked in various management roles including Dell Computer Corporation as the Strategic Alliance Manager.



***Secretary-Treasurer Kim Halvorson***

She is a founding member of the Marysville-Tulalip Community Association. In 2004 Kim ran for State Representative in the 38<sup>th</sup> District against tribal leader John McCoy and is a recently elected member of the Snohomish County Charter Review Commission for 2006. Welcome to Kim and thank you for becoming our new Secretary-Treasurer.

May Davis of the Association of Property Owners & Residents of Port Madison Area (APORPMA) had previously resigned, after serving tirelessly as Secretary/Treasurer since our group's founding in 1989. Our heartfelt thanks to May for her years of service.

Al Montgomery of Montgomery, Purdue, Blankenship, and Austin law firm in Seattle, Washington, remains as Chairman Emeritus. Al has served as Chairman of our organization since 1989. We wouldn't be where we are today without Al's help.



***National Director Barb Lindsay***

Barb Lindsay of Thousand Oaks, California, continues into her sixteenth year as National Director of One Nation United and our predecessor organizations, United Property Owners and One Nation Inc. Lindsay handles public education, government relations, fundraising, and press outreach to print and electronic media nationwide. She works with hundreds of citizen and community group leaders and elected officials on the local, state, and federal levels, including law enforcement. She is a government-relations consultant, with more than twenty five years of successful experience in the field of nonpartisan politics, media relations, public opinion polling, and grassroots organization.

Barb has managed numerous state, local, and federal election efforts, ranging from Presidential campaigns and statewide ballot

measures to county assessor races and state representative campaigns. She served as Executive Director of “Steelhead Salmon Protection Action for Washington Now” (S/SPAWN) in Washington State from 1983 through 1989. Lindsay earned a Master’s degree from the University of California at Santa Cruz, a Multiple Subject K-12/Adult Education teaching credential, and a Bachelor’s degree in Psychology with a minor in Statistics.

In addition to the invaluable assistance provided by our Board of Directors, our **Advisory Board** also assists with national issues and tribal issues in their state and local areas. Advisory Board members are community leaders and elected officials from across the country (see page 1).



*Advisory Committee Chairperson Marla Peeks*

We’re very pleased to welcome Marla Peeks, of Edmund, Oklahoma, as Chairperson of our Advisory Board. Marla is a native Oklahoman. She is the Director of Regulatory Affairs for the Oklahoma Farm Bureau, and has been with the organization since 1988. She earned a bachelor’s of science degree in agricultural communications from Oklahoma State University, and a master’s degree in English from the University of Central Oklahoma.

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### Excerpts from

### “Indian Gaming: More Corrupt Than Ever”

By Stephen Pizzo, *News for Real*

“During our short investigation of the goings-on at (that) Indio, California, (Cabazon) reservation:

-Three members of the tribe were found shot in the head a week after threatening to go public with corruption at the gaming facilities;

-An illicit arms-sales operation was set up peddling machine guns;

-The non-Indian head of the tribe’s gaming management company, John Philip Nichols, was sent to prison on a hire-for-murder charge;

-The S&L crook who led us to the reservation in the first place, and who had financed the tribe’s high-stakes bingo parlor, was charged with running fraudulent insurance companies and running off with customer premiums;

-The same fellow was later sued by the federal government for tens of millions in fraudulent loans he got from now-defunct S&Ls. There was more. And it’s still going on. We heard reports back then of similar activity on Indian reservations in Florida and Minnesota.”

([www.alternet.org/story/30612/](http://www.alternet.org/story/30612/))

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Letter to the Editor, *The Everett Herald*, January 10, 2006

### Tribes must see why intent questioned

I read in amazement the article in Friday’s Herald about the Stillaguamish Tribe having no plans for building a casino at Island Crossing. In the article, tribe Chairman Shawn Yanity stated how he has to deal with fallout from people questioning the Tribe’s intent on land purchases and that there are people out there who still think they get special privileges.

I have no idea why people would think such obscure thoughts. The Tribe built a casino in a rural neighborhood after telling neighboring property owners that there would never be such development. The local community waged a legal battle against the Tribe, but had no chance in court because the Tribe does receive special privileges and is exempt from all the rules and regulations the rest of us must live by. The casino was built in an area not zoned for commercial use. No impact fees, no road improvements, no studies or permits, all because the Tribe does receive special privileges.

The Tribe’s two-acre triangle at Island Crossing has created a traffic nightmare that has caused many accidents; no lights, no fees, and no traffic studies. In other words, no way anyone other than the Tribe could do these things.

The people of this area fear future development by honest developers that have to follow all the rules and regulations. Just think how they feel about developers who don’t because they receive special privileges. Please, Mr. Yanity, save the song and dance for someone else.

Scott Baker  
Washington State

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## TRIBES EXEMPT FROM SMOKING BANS IN WASHINGTON & NEW JERSEY

In New Jersey, it was the State Legislature in 2003 that outlawed indoor smoking in all public places except gambling casinos. In Washington State, it was a ballot measure last year passed by voters that resulted in a statewide smoking ban in all public places, including restaurants, bars, and bowling alleys - - again with the exception of tribal casinos, where smoking is still allowed. So many

non-tribal businesses are being hurt financially, especially small businesses like taverns and Mom & Pop eateries, while tribes are reaping the benefit in additional profits. (Ten other states have similar broad smoking prohibitions and four more states restrict smoking in either workplaces or restaurants, but do not ban it in all indoor public places.)

But in New York, the Oneida Indian Nation has been cited by local health officials for violating the State's smoking ban at the Tribe's Turning Stone Casino. The tribal government could face a \$1,000 fine for the public health violation.

The County decided to begin enforcing its health laws after the U.S. Supreme Court ruled in March of 2005 that the Nation can't claim sovereignty over former reservation land it has reacquired.

A big thank you to Upstate Citizens for Equality (a member group of ONU) for filing a lawsuit to force Oneida County to crack down on smoking at the Turning Stone Casino. The tactic was a success!

**Who are we? One Nation United is a non-profit, nonpartisan 501(c)4 public educational organization, founded in 1989, defending our constitutionally protected property rights, free enterprise system, and civil liberties through legislation, litigation, and grassroots advocacy.**

## SHERIFF ON TRIBAL CASINOS

In December Sonoma County Sheriff Bill Cogbill spoke at a meeting held by the Coalition Against Cloverdale Casinos. Here is the summary of his comments from the Meeting's minutes:

"There was a 50% increase in calls to the River Rock Tribal Casino between 2003 and 2004. Calls ranged (from) burglary, counterfeiting, fraud, larceny, prostitution, assault, domestic violence, and (to) gambling addiction. The County is required to provide law enforcement on reservations, but gets no mandated remuneration for this; there have been no funds from River Rock (or from the Tribe) to the County to pay for these services.

"Calls at River Rock increased from 85 calls in 2003 to 128 in 2004. Since the casino is just getting going, it is anticipated that these calls will continue to rise significantly on an annual basis. The entire area around River Rock has experienced an increase in crime, including organized crime and drug use. In Geyserville, (money) given to community services hasn't mitigated these impacts, which are still a net negative."

## TRIBES WORKING FOR INTERNATIONAL RECOGNITION

Native delegations at the United Nations are making progress in negotiations toward the adoption of a "Declaration on the Rights of Indigenous Peoples" - - an unprecedented set of standards that would define the international human rights of indigenous peoples. The Indian Law Resource Center, Citizen Potawatomi Nation, Navajo Nation, and Iroquois Confederacy are among the lead advocates for creating strong rights of "self-determination and self-

governance" as consultations continued through the middle of December, 2005, in the U.N. Working Group on the Draft Declaration on the Rights of Indigenous Peoples.

"... It's important to understand that our rights as indigenous peoples were not granted by any country! They are inherent," said Navajo Nation Council Delegate Ervin Keeswood.

"The process is advancing and we are having some notable success in discussions," said Darwin Hill, a representative of the Haudenosaunee. "We've been telling the U.S. delegates they need to be more flexible in their positions. By providing them with a steady dialogue and education on our issues, they are gaining greater understanding of our concerns."

Consensus in the U.N. Working Group is forming around a land rights article that states: "Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired." The declaration calls on countries to give legal recognition and protection to these lands and resources in accordance with the customs, traditions, and land tenure systems of local indigenous peoples.

Indigenous delegates are also seeking redress for resources and lands taken from them in the past. One article in the Declaration provides for claims for return of the land or monetary compensation. "One topic that has not been easily understood is [that of the] **collective rights** that indigenous peoples have to land and culture," said Armand MacKenzie, attorney for the mineral-rich Innu Nation in Northern Quebec and Labrador. Twenty-three of the 67 draft provisions have so far been agreed upon by the Working Group.

Ambassador Tyge Lehmann of Denmark said "... last September, 191 Nation-States talked extensively about advancing the World's indigenous peoples. Governments were urged to consider adopting the Declaration as soon as possible," "For the first time ever, we have a very positive signal indicating an expectation that we (could see) adoption of these rights very soon."

**You and your group are urged to write to President Bush supporting Rep. Frank Wolf's request for a two year moratorium on tribal casinos.** (See next two pages: Congressman Wolf's letter to President Bush)

Mailing Address:

The Honorable George W. Bush, President  
The White House,  
1600 Pennsylvania Avenue NW,  
Washington, DC 20500

FAX: 202-456-2461 Comments: Tel. 202-456-1111

Email: [comments@whitehouse.gov](mailto:comments@whitehouse.gov)

U.S. Postal Service letters/postcards to government offices are still being greatly delayed, sometimes by weeks.

**\*\*Faxes/Emails are received much faster\*\***

*(over, please)*

**FRANK R. WOLF**  
10TH DISTRICT, VIRGINIA



241 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-4610  
(202) 225-5136

COMMITTEE ON APPROPRIATIONS

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HUMAN RIGHTS CAUCUS

**Congress of the United States**  
**House of Representatives**

January 12, 2006

13873 PARK CENTER ROAD  
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(800) 945-9653 (IN STATE)

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(800) 850-3463 (IN STATE)

[www.house.gov/wolf](http://www.house.gov/wolf)

The President  
The White House  
Washington DC 20500

Dear Mr. President:

As the author of the legislation which established the National Gambling Impact Commission, I have long been concerned about the predatory nature of gambling and the corruption that is often associated with it. It seems as though every day in the news there is a new scandal related to gambling. Today, gambling is legal in almost every state in the union and more than 400 tribal casinos operate in over 30 states.

With the guilty plea of lobbyist Jack Abramoff and the information revealed about his ties to tribal casinos, it's time to call a halt to the explosion of tribal gambling. As I repeatedly asked of the Clinton administration and your administration, I renew today my request that by executive order you impose a moratorium on the opening of any more tribal casinos until Congress can thoroughly review the Indian Gaming Regulatory Act of 1988. The moratorium also should apply to the federal recognition process of tribes, which is completely broken.

While I firmly believe that your administration has the inherent authority necessary to impose a moratorium, if you believe legislation is needed, I urge you to quickly – within the next 30 days – send to Congress a legislative package to deal with this issue. Legislation is already pending in the House, however, that addresses comprehensive IGRA reform. With your call to action, Congress could take up this legislation early this year. The reforms laid out in Congressman Mike Rogers' bill, H.R. 2353, include: prohibiting tribes from "reservation shopping" or acquiring new land that is not contiguous to their existing reservation for the purposes of building a new casino; doubling funding for the National Indian Gaming Commission, requiring it to conduct all background investigations and expand background checks to the top 10 financial interests in any new Indian casino; requiring the approval of both the governor and the state legislature for new Indian casino compacts; directing the Department of the Interior to conduct economic impact studies to determine if new casinos would have a negative impact within a 50-square-mile radius, and requiring new tribes seeking to place land into trust or recognition to declare intent to build casinos on the land.

IGRA was intended to give Native Americans greater self-sufficiency, but sadly most have simply been used by greedy investors who offer to pay for litigation costs, lobbyist fees and in some cases, even the costs of land in exchange for a portion of the profits from this \$19 billion industry. The overwhelming majority of Native Americans still live in poverty. In fact, the per

The President  
January 12, 2006  
Page 2

capita income of Native Americans is only \$8,000, one third of the national average. It seems unfathomable to me that there is not more support for transparency in tribal gambling to ensure that the benefits flow to those to whom they were promised.

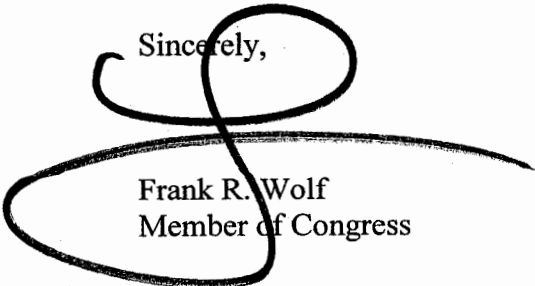
Tribal political contributions have skyrocketed in recent years from less than \$2,000 in 1999 to more than \$7 million in 2004. Tribal casinos are unregulated because they are operated by sovereign nations on sovereign lands, and this scenario seems ripe for even broader and more far reaching corruption than associated with Jack Abramoff today.

IGRA is also devastating for the hundreds of communities across America that are now home to tribal casinos. There have been countless stories of tribes that have taken large pieces of land into trust only to later "trade" this land for another piece of land in a more attractive location, often in a more urban or higher traffic area. Local communities can often be impacted twice – first by the erosion of their revenue base to which tribal businesses are generally exempt and second when faced with increased municipal costs for local law enforcement to respond to increased traffic and crime. These communities are generally powerless to stop new tribal casinos from establishing a casino once a tribe has been recognized and has land in trust. Reforms in the tribal recognition process and tribal gambling operations would empower communities and provide an opportunity for Congress to look at the unintended consequences of IGRA and address the gaping loopholes in the law.

While I don't know him personally, I call your attention to author Fergus M. Bordewich's commentary in the January 5 *Wall Street Journal* titled, "The Least Transparent Industry in America." He states that "without a clear, nationally agreed-upon idea of what tribal sovereignty is really supposed to be, we may one day find ourselves living in a land that has little in common with the goals of today's good intentions, and in which hundreds of 'tribes' of Americans are permanently distinguished from their fellow citizens mainly by the special rights that were bestowed on their Indian ancestors, and by privilege of operating unregulated gambling casinos."

IGRA is a law paved with good intentions gone awry. Your leadership and interest in seeing this issue dealt with expeditiously will be vital to prompting Congress to swift action. I implore you to involve your administration in this issue by establishing a moratorium and proposing or supporting a comprehensive reform package before it brings even more harm to Native Americans and every American alike.

Sincerely,



Frank R. Wolf  
Member of Congress

FRW:cs

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## TRIBES WANT "DIPLOMATIC" STATUS

The National Congress of American Indians (NCAI) recently announced plans to buy an Embassy Row building in Washington, DC, and to establish diplomatic accreditation with the U.S. State Department. A \$12 million capital campaign is now underway to purchase property for this so-called "Embassy of Tribal Nations." There has never been formal diplomatic relations between American Indian tribes and the State Department.

"This facility will not only create a presence (for) our sovereignty collectively, as well as individually, but it also provides a station from which (we) can conduct business," said Ron Allen, NCAI Treasurer. "Most of Indian Country comes into town for a few days, maybe a week, and most often don't have a place to operate out of." said Allen, who is also chairman of the Jamestown S'klallam Tribe of Washington. "It would be a worthy cause to address the tribes' interest in Washington, D.C., and would also promote greater awareness of tribal governments on the national level." NCAI has found a building they would like to buy, Allen said, and he aims to raise at least \$2 million for a down payment within the next eighteen months.

The State Department did not return phone calls to the press as to whether or not tribes would be eligible for diplomatic accreditation.

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## HAWAIIAN "TRIBE"

The first hearing on the so-called "Akaka bill" to grant acknowledgment to Native Hawaiians as a federally-recognized Indian tribe, won't be held in the U.S. Senate as its proponents had anticipated. Instead, the U.S. Commission on Civil Rights is holding a briefing on this proposed legislation in January 2006.

The Civil Rights Commission provides research on civil rights issues and possesses expertise in evaluation of these issues. It has the power to hold hearings and to issue subpoenas - - although it lacks enforcement powers and refers the complaints it receives to various government agencies or private organizations for action.

Sen. Daniel Akaka recently said that he has been promised by Senate leadership that his bill will be placed on the 2006 calendar for a floor vote. As currently written, this proposed legislation establishes a process for 400,000 Native Hawaiians to be formally recognized by the United States as an "indigenous people" and gives Native Hawaiians (of any blood quantum) rights and privileges above what Native American citizens presently enjoy. The bill would also allow Native Hawaiians to establish a separate, sovereign government that could negotiate with the United States over land use and give them many other special rights and tax exemptions.

Some members of the Senate and the House are opposed to the Akaka bill and they will continue trying to delay its hearing, fighting to weaken its language, or preferably killing the bill outright. They say the bill is unconstitutional and will create a race-based government. The U.S. Justice Department has also come out publicly against portions of the bill, which they say are potentially unconstitutional, among other justified concerns. Please contact your U.S. congressional representative and U.S. senators, urging them to oppose the Akaka bill (S.147) and its companion bill on the House side (HB.309). Do it today!

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## WHY HAS ONE NATION UNITED AND MANY OTHER PROPERTY RIGHTS ORGANIZATIONS SPENT SO MUCH TIME ON INDIAN GAMBLING?

Because the untaxed and unregulated profit from tribal casinos fuels corruption at all levels of government - from the U.S. Congress and Executive Branch to local levels of government-- plus intimidation of media outlets.

These huge profits allow tribes to expand into unrelated businesses and extend their tax-free strangulation of local governments by refusing to pay local taxes and driving taxpaying companies out of business.

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## ADVANCING OUR MISSION

Thank you for being a faithful partner in our efforts nationwide and in DC. As you know, we've been diligently working in communities across the Nation on your behalf. We've worked hard with many grassroots leaders and elected officials to defend private property rights and state sovereignty. With so much accomplished in 2005, we must now be ready for the opportunities of 2006. Will you help? Please be generous.

A huge thanks to all of you who have renewed your dues already, but many of you still have not done so...

Another request we need to make is this: Would you please invite two or three friends, neighbors, or especially business associates, to join One Nation United? In order to be more effective in the year ahead, we must have a broad reach. That means having more members! We need your help to achieve this goal.

Every dollar you send to One Nation United yields a return of great value to our efforts. We hope you'll make a generous donation to keep us going in this important battle for the future of America, our community values, and your property rights. Please do it now!!

We have so much more to do, especially with hearings planned on bills to reform the fee-to-trust process, the Indian Gaming Regulatory Act, and even the proposed 2-year moratorium on Indian casinos. We can't testify if we don't show up in Washington, DC, at the hearings being scheduled to start soon. And we can't show up without your help! Thanks for your crucial help in partnering with us to achieve change. Together, we are making a difference!



Barb Lindsay, ONU National Director  
barb@onenationunited.org

**WRITE YOUR LETTERS  
AND RENEW YOUR  
MEMBERSHIP TODAY!**

