

Keetoowah Casino Remains Open

News Release
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A hearing was held Wednesday, June 22 in the Federal Court in the Eastern District in Oklahoma in Muskogee today. Several issues were before the court. The parties in the suit included the United Keetoowah Band of Cherokee Indians in Oklahoma, The United States Government, the Department of Interior, the National Indian Gaming Commission, and the State of Oklahoma. Although Federal District Judge Ronald White had previously ruled that the Cherokee Nation was not a necessary party and further ruled that the Cherokee Nation's interest was "very insubstantial" the Cherokee Nation, nevertheless, filed an amicus curiae with the federal court, seeking leave of the court to accept their brief. The Court instructed CNO Attorney, Dianne Hammonds, to appear at a settlement conference accompanied by someone from the Cherokee Nation with settlement authority and on that condition, the court allowed CNO to submit their friend of the court brief.

The State of Oklahoma had filed a motion to abandon the temporary order which protected the UKB Casino from interference from authorities and from closure. The UKB filed their response to the State's motion and the State belatedly filed a reply brief without leave of the court. The UKB objected to the allowance of the reply brief and the Court ruled that the reply brief be stricken from the official record citing three local court rules that had not been observed by the State.

The most important issue, that of the State's Motion to Lift the Temporary Order, was denied by the Court. The Court pointed out that the UKB had been gaming for nineteen years on the property in question and had continued to do so for the past ten months, since this case was removed, by the State of Oklahoma,

to federal court. The Court also pointed out to the standard of review for maintaining a temporary order which included maintaining the current status quo as well as weighing the irreparable harm to each party. The Court found that the most severe irreparable harm would be to the UKB in their immediate loss of revenue and loss of jobs to almost 300 UKB employees. More devastating to UKB tribal members would be the impact of lost human, social, and educational tribal services to the majority of its 10,000 members.

The final issue of further discovery in the case, a request made by the UKB, was taken under advisement by the Court for ruling at a future date, once the court had contemplated a new scheduling order.

The UKB is pleased with the Court's ruling and sound reasoning and recognized that Judge White listened attentively to all arguments presented. "It was clear that the Judge had carefully read the briefs and legal arguments submitted by all parties, asked relevant questions, and recognized the seriousness and importance of this case," said UKB Chief George Wickliffe. "We are quite pleased with today's outcome and while we know other battles loom ahead for us, we will continue to serve our tribal citizens and pursue avenues that are in the best interest of the UKB." Wickliffe went on to say.

Assistant Chief Charles Locust contends that "it is apparent that the Cherokee Nation of Oklahoma's leadership wishes only ill will for the UKB and we continue to say that this is not the will of the Cherokee people, but grace abounds where evil exists. The UKB will continue to conduct themselves with the grace and dignity deserving of all Cherokee people. We commend our legal team for their hard fought battle and their belief in our cause."



The United Keetoowah Band of Cherokees will unveil its official Web site today.

This is one grand opening that you won't need to worry about what to wear, or the weather." Web site manager Lisa Stopp said. "The Web address is all you need to go, if you have access to the Internet."

The address is www.unitedkeetoowahband.org.

Stopp says the tribe's main objectives with the Web site are to provide information for tribal members and to provide accurate information about the tribe, its history and future for other Internet users.

During his inauguration speech, Chief George Wickliffe stated that a Keetoowah elder told him it was time for the world to know who the Keetoowahs are.

The World Wide Web is an important tool for that.

One feature will be a Keetoowah Artist Gallery featuring artists enrolled as exclusive Keetoowah. Artists already having a Web site can get a link directing interested visitors to that site.

Miscellaneous features will include the Title VI Nutrition Program menu, program information, and constantly updated news articles.

The Keetoowah News also will be available online.

For those who do not have Internet access at home, most community libraries and some schools allow public access.

Information: Lisa Stopp, 456-6533 or webmaster@unitedkeetoowahband.org.

The United Keetoowah Band of Cherokee Indians in Oklahoma (UKB), a federally recognized tribe, is set to start a membership drive in all nine districts of the Traditional Cherokee Indian Country.

The UKB's membership is growing daily and in the near future there will be field representatives visiting all nine districts for the purpose of enrolling Cherokee people who can prove 1/4 degree of Cherokee Indian blood. These nine districts include the 14 county area of the Cherokee Indian Country here in North-eastern Oklahoma.

In UKB elections, the tribe does not accept mail-in votes. Persons must travel home to the traditional Keetoowah Cherokee Indian Country, in order to cast their votes. The UKB people truly elect their leaders by members here in North-eastern Oklahoma.

Be on the watch in your area for news releases on when the UKB field representatives will be in your area. We will be coming to all 14 counties of Cherokee Indian Country including Vinita, Bartlesville, Catoosa, Claremore, and your home town! For more information, contact the UKB Tribal Enrollment Office.

Transcript of Press Conference with Commissioner of Indian Affairs Ross Swimmer July 12, 1988 - Minneapolis, MN

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phasing out over time, in the period 1995 to the year 2,000. The possibility, is that then the program that's being instituted, where the funds are going to the timber of ten tribes. Is that part of that long-term phase-out—is this the trial run? **Swimmer:** It won't be a... the so-called ten tribes was a... it could be considered sort of a first start at that. What I was trying to do, was look at the federal resources, and instead of the federal government planning how the dollars get spent in Indian country, I wanted to reverse the process, so that we could start the planning from the ground up, so that the tribes... let's say, that Tribe A last year received five million dollars of federal B.I.A. funds for a whole list of different programs that Congress authorized. They have to spend that money for those particular programs. They might not even want those programs, but if they don't operate those programs, they won't get the money. What I said to Congress was, why don't we tell Tribe A, there's five million dollars of federal dollars available. Now, you tell us how you're going to spend it. You've told us that you have high unemployment, you've told us about the alcoholism, you've told us about poor health, and all this... how are you going to deal with those problems with this five million dollars? And you develop the program that you want... We then will incorporate it into the B.I.A. budget, this being your budget, in effect, is in addendum to ours, send it to the hill, let them appropriate the money, and your tribe then will be held accountable for whether you were successful. The way it is now, is that because we operate in this programmatic mode, tribes almost have to fail, in order to get re-funded the next year. If they don't show the same need that they had this year, then those programs that they're operating that we send to them, they don't need to be there, and so the money will go somewhere else. What I was trying to do was sort of guarantee this level of funding to a tribe, and say, "we're going to give you credit for being successful... So, as you begin solving problems, it wouldn't mean that you begin losing money." Because, as we know, there will be plenty of other things that you can continue doing. Almost revenue-share concept. So, those ten tribes... what happened was, those ten tribes were at the hearing last December, and congressman Yates suggested that because they were there and had heard, and said, "well, now maybe that might be an idea," why don't you ten tribes try to get with Swimmer and develop some tribal specific programming like that, and we'll give you a million dollars a plan. That's how those ten tribes... but there are several other tribes, besides those ten, that are interested in it. **Lussier:** Uh, Mr. Swimmer, I'm going to stop you. You know, when I

go to a meeting, I like something to come. You were asked a question. Who's responsible for the Constitution that you've made, I think the question was. Did you answer it? And, I'm going to ask you this: I was on the Chief's council, and the B.I.A. said that, "you don't have no Council." So, they took it away from us, just like that. The B.I.A. ... and I told the B.I.A. at that time, "you're going to be sued for this some day." My name is Adolf Lussier, and I'm enrolled on the Red Lake Indian Reservation, and I served on the Council for eight years, so I know exactly what the Council is doing, and I want to thank you, if I said anything hurt your feelings, I hope to Christ it didn't. Thank you. **Swimmer:** As far as who's responsible for the Constitution, it's the Tribe. **Lussier:** Eh! YOU are!

Swimmer: No. **Lussier:** I helped make the Constitution, and you sent the Secretary of the Interior, signed it, that's why it's got him in power. **Swimmer:** But, it's not our constitution, it's your constitution. **Lussier:** OK, you signed it. **Swimmer:** ... and you can change that Constitution any time you want... General comments... Talk about a joke... it don't work that way. Other: Question, Red Lake is one of them ten Tribes, right, and would they be held financially accountable for them programs that are instituted? **Swimmer:** There are certain... yes, they would be, if they, if they... develop a program, but there are also certain requirements, that any of the tribes, before can have this in an actual funding program, that they have to have an accounting, that they have to be able to provide for the Bureau a financial accounting, that has a clean audit opinion, that says that they can track all of their programs, because we won't do it with any of the tribes that don't have accountability... **Cook:** Right. Can we get a copy of the policy that Mr. Barlow has that we have to get permission from our Tribal Chairman to talk to him.

Swimmer: I don't think that he has... **Cook:** Oh, yes he does! Mr. Barlow, tell the truth, now. **Other:** Tell the truth! **Cook:** We went to your office, and you had to call Roger for me to talk to you, right? **Other:** Yeah! **Other:** I was witness at that Press Conference. Don't try to get out of it, because I... **Swimmer:** Virtually every tribe, to some extent or other, is going to have an inside and an outside, and those sides often change. Maybe not as often up in Red Lake as some other tribes. Mr. Barlow and myself are pretty much committed to dealing with elected Tribal leadership, and that's a policy for my office as well as for him. Now, I have not refused to meet with any Indian people, but I do refuse to meet with

people if it involves tribal leadership, that they really are in charge of. I will listen, but I cannot make the changes in your constitution... **Other:** Don't make me blush, now... **Swimmer:** I cannot make changes in your constitution, I cannot un-elect your tribal leadership, folks, I've been there, I've been a tribal leader, and every single election was contested... **Lussier:** Yes! Where was you a tribal leader—Red Lake? I am both-ering you now, while you are talking. Were you a tribal leader at Red Lake? **Swimmer:** No, sir. I was tribal leader at...

Lussier: I'm sorry. Red Lake and where you were, is probably like Heaven and Earth. I don't... but I know Red Lake is what these guys are trying to tell you, and that is what we ant you to answer. Not—what the heck! You got the taxpayer's money and come out here and give us a bunch of baloney! The first thing that you didn't say was—638 Money? You don't have any control over that. That's the only program I ever heard of in my life, that the Tribe is the one that gets the money from you. You don't have a damn thing to say... a DAMN thing to say—that's the law! 1975 or '77, whenever it was made, but that's the way it is, the Tribe asks for it. You don't have any control over whether they can get it or not. Is that right? **Swimmer:** We do have some control, but generally we don't... **Lussier:** You don't have any control over it **Swimmer:** We have control of the program, they have to operate it in a certain way... and we have control of the accountability of it.

Lussier: Well what do you do, then with it? That's the point! **Swimmer:** It's what the Tribe does with it. Once the Tribe contracts... **Lussier:** The Government gives you the money, contract money, you get it. Contract money, the B.I.A., don't they? **Swimmer:** And then we turn it over to the Tribe.

Lussier: To the Tribe! And, you're supposed to see that they spend it in the way they're supposed to. Is that right? **Swimmer:** We have a process that we go through, to see that...

Lussier: Sure, you have a process. What's the process? We don't know they do, is what we're trying to tell you. Thank you, to God, I'm talking too damn much now! **Swimmer:** The answer is that the Government...

Lussier: I'm too damn weak for that... **Swimmer:** The answer is that throughout the Government office... Yes, ma'am. Star & Tribune: You talk about slowly phasing out the B.I.A.—has that process been started? When are we talking about that happening?

Swimmer: We're not, because it requires not only my talking about it, there requires action by Congress and of course by the Tribes. Congress has not, the process that they have done is proposed, is the direct funding concept that we talked about earlier, would be one of the mechanisms for... authority at the Tribal level to set Tribal budgets and again the process

for self-determination. Star & Tribune: When do you see this, that it might start? When do you think that it will begin?

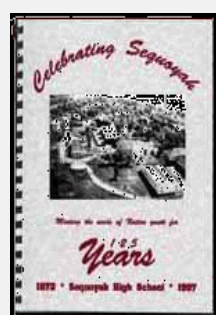
Swimmer: Well, I had hoped that we would see some progress on it this year, and that we could see something in enabling legislation this year, as part of the 638 amendments that Congress is proposing, there was a section included in there for the Tribal direct funding concept, but it's been very controversial on the Hill. There are many people on the Hill that simply don't believe the Tribe is capable, and they're not going to give them freedom... uh, any more freedom than what they have now. So, some of the Indian committees think that the Tribes just can't do it, and that the B.I.A. is going to have to be there, to oversee and manage what goes non out here. I contend that until we back away from that position some, that we won't be able to see... Tribes almost aren't allowed to fail when they get in trouble, immediately is—hear, hear! the B.I.A. is called to account. We're the ones that are held responsible, even though the people on that reservation are the ones who are responsible for their Tribal Government, and they're the ones that have to make those decisions. Star & Tribune: Are you pessimistic that you don't expect this bill to pass this year?

Swimmer: Well, I'm a little pessimistic about it, on the other hand, they did—the appropriations committee put another million dollars in to continue the plan. So, I'm... at one time, they're planning, but they're not giving the Tribes any authority to do anything, except on the planning, and I find that a little difficult for Congress to speak out of both sides of its mouth. They're willing to give Tribes money, but they're not willing to give them the authority, and the authorizing legislation is what we need to give tribes the authority to submit those budgets, and to do a Tribally-designed budget with Federal dollars. But, what I'm saying is, I'm optimistic that they'll reconcile those to, and there's one or the other will happen, that they will give them money, or they'll give us authorizing language to allow that to happen. Star & Tribune: Your views are not... based on what I've read, they are not necessarily popular with the B.I.A. officials, nor the reservations. Why do this? Do you have backing on the reservations in this matter? **Swimmer:** I have some, but I guess I will say that I don't have widespread backing by Tribes at this time. I think that they can try to join this initiative if they are interested in this. They haven't committed themselves either. I think that has been delayed a little because of the money. I did have a Tribe that was very interested in taking over the management of some of its Trust assets, which I think is an enormous... Star & Tribune: Which one is that?

Swimmer: This is a Tribe in the state of Oregon that had a forestry

continued in next month issue

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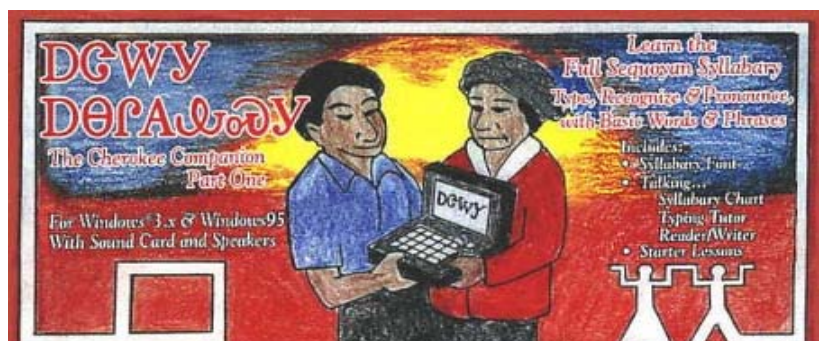
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