

Bedohgeimo

“Talking to Everyone”

A NEWSLETTER FROM THE UNITED STATES ATTORNEY'S OFFICE,
WESTERN DISTRICT OF MICHIGAN

From the Desk of the United States Attorney



United States Attorney
Margaret M. Chiara

Bedohgeimo is circulated throughout Indian Country within the State of Michigan and also to Native American advocacy organizations, tribal leaders and

law enforcement, and federal prosecutors and investigators who work in Indian Country. This publication provides an opportunity to announce the selection of Assistant United States Attorney for the Western District of Michigan (WDMI) Leslie A. Hagen to serve as the liaison between the Executive Office for the United States Attorneys (EOUSA) and the Attorney General's Native American Issues Subcommittee (NAIS). What follows are the comments of NAIS chair Tom

“ The members of the NAIS, EOUSA and the people of Indian Country are truly lucky get someone of Leslie's background, experience and passion to serve in this important position. As an AUSA from the WDMI, Leslie has worked very hard for the past several years to support Margaret Chiara's efforts with the tribes of western Michigan.

Leslie has devoted special attention to the victims of family violence. In that same capacity Leslie has represented Margaret and the NAIS in a multi-agency effort to upgrade the protocols for dealing with victims of sexual assault. With her hands-on experience in dealing with cases from Indian country, Leslie will be a great asset to all of us on the NAIS.”



Leslie A. Hagen
Assistant United
States Attorney
Violent Crime in
Indian Country

*Tom Heffelfinger
United States Attorney for the District of Minnesota*

2005 Case of the Year

United States of America v. Joseph Lee Seymour has been selected as a Western District of Michigan Northern Division case of the year. On December 23, 2004 the defendant who is an enrolled member of the Hannahville Indian Community, was convicted of sexual assault of a child under the age of twelve and of forcible rape of an adult woman. There was also testimony from two adult women victims reporting similar assault by the defendant.

At the United States Attorney's Office Annual Criminal Seminar and Dinner, AUSA Leslie A. Hagen and her colleagues who ensured the defendant would not have an opportunity to victimize other Indian women and children were recognized for their hard work and dedication. Award recipients included Paul Lochner, USAO/AUSA; Special Agent Jay Johnston, FBI; Teresa Kauppila, USAO/Support Staff; Ruth Oja, Hannahville Victim Advocate; Carrie VanEvera, Hannahville Child Protective Services Worker; Lt. Kim Peppin, Hannahville Tribal Police Department; Officer Darin Gibson, Hannahville Tribal Police Department; David Paul, FBI Victim Specialist; and Ellen Farrar, USAO/Support Staff.

Seymour was sentenced to a term of 262 months incarceration followed by five years of supervised release, and a special assessment of \$100.

"All My Relations"

Boozhoo, Ahnii

"Every part of this earth is sacred to my people. Every pine needle, every sandy shore, every mist in the dark woods, every meadow, every humming insect. All are holy in the memory and experience of my people." Chief Sealth ("Seattle" 1854/1855)

Chief Seattle's statement encompasses what underlies our traditional beliefs, and emphasizes a core value of those teachings. "All My Relations," is a phrase that is used to recognize the centrality and significance of Mother Earth. Respected Anishnabe elders have explained that our traditional ways can be an antidote to the unprecedented violence that we are currently experiencing in Indian Country. The elders urge tribal leaders, elders, and community members to regain a fundamental understanding and respect for our elders, children, women, and those that are vulnerable within our communities.

Elders from Ojibwa, Odawa, Bodewademi, and Lakota have educated me about the concept, "All My Relations." In Lakota the phrase is "Mitakuye Oyas'in," which conveys the Lakota belief in their connectedness to all things outside themselves. It illustrates not only how they relate to the environment, but also how to keep everything in a respected place within their community. The Ojibwa have a similar saying that is reserved for ceremonial purposes. It is normally spoken at the end of a formal voicing to the spirits. The phrase signifies the belief in the connectedness to all things beyond ourselves. Native traditions are rooted in the equity of creation. Respect is required for all things, animate and inanimate. We are in relation to members of our tribal community and to the grandfathers (rocks) that are used in sacred sweat lodge ceremonies.

Last winter I had the honor of participating in a Midewin ceremony in Mount Pleasant, Michigan. Eddie Benton

Banai, a member of the Medewiwin Lodge from Wisconsin, and I had an opportunity to discuss the rising crime in Indian Country, especially violent domestic and sexual assaults. Mr. Banai's response was clear and unequivocal, when the Midewin Lodge was the center of the community, Anishnabe learned that everything was sacred and had a purpose. Respect was a gift provided by Gitche Manidoo.

Babies learned this teaching while still in their mother's womb. The phrase "All My Relations," encompasses these teachings.

To act contrary to the teaching was rare indeed. Eddie Benton conceded that crime did occur, even when the Midewin Lodge was the center of the community. However, the community response was so swift and effective, that aggressive and violent actions were kept to a minimum. This belief system was neither a religion nor a ceremonial tradition. It was a way of life taught to the Anishnabe before they were born.

I also conferred with Hilda and Jerome Syrette about the increase of violent crime in our communities. They live on the Rankin Reserve in Sault Ste. Marie, Canada, and have devoted their lives to maintaining and passing on their Ojibwa traditions. Their explanation was similar to that of Mr. Banai. Communities should restore their ceremonies which give us identity, and provide us with tools to maintain a healthy way of life.

Continued from page 2) According to Hilda and Jerome, youth are hungry for this knowledge. The elders and leaders of our communities should make this a priority. Traditions will help keep our communities healthy. This knowledge should be shared with the youth who will become our leaders. In this way our communities will begin to heal.

Respected elders and others have advised me that our belief system should not be considered a religion, but rather as a way of life. This way of life that is based on acknowledging and accepting of the Spirit world. Everything and everyone has a spirit force or power

which should be respected. This foundational belief requires each person to work in harmony with all things in the environment. Everything, every man, woman, child is significant and centered to the community's way of life.

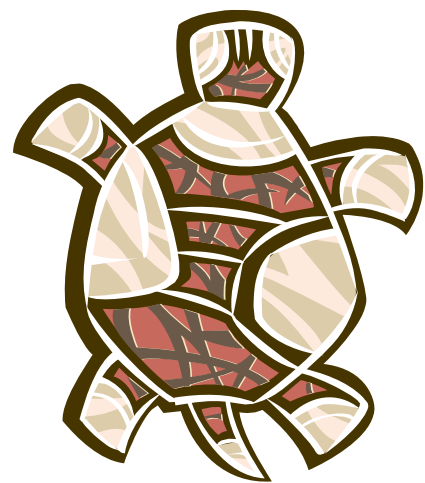
I personally have just begun my journey of understanding *All My Relations*. I am eager to continue. Protecting, respecting, and honoring our children, women, families is not optional for Native People. It is our way of life.

I conclude with the teachings of Eddie Benton-Banai. "I believe that, together, we can begin the journey back to find what many of our people left by the trail. This will be a journey to rediscover a way of life that is centered on the respect for all living things." *The Mishomis Book, The Voice of the Ojibway*



Jeff J. Davis

Ahoo, "Mitakuye Oyas'in,"



Guest Columnist

Protecting the Life-Blood of Mother Earth

By Tribal Chairman Frank Ettawageshik of the Little Traverse Bay Band of Odawa Indians



Chairman Ettawageshik

The daily tasks of governance consume much time and energy. The hustle and bustle of seeing to the needs and demands of tribal government and citizens most often makes it hard to look beyond the end of a day or a week. But as

leaders we must step back and look at the distant horizon as well as watch where we place our feet as we deal with these regular tasks. In our traditional way of life, we are taught that we should consider the impact of our daily actions clear through to the seventh generation coming after us. It is when we do step back and think in this long-term fashion that our perspective grows. We then are more able to sort through to see the important lasting issues.

Understanding our sense of place is one of these issues. The single most important defining element of the place we live, what makes this place unique in the entire world, is the Great Lakes and the waters that recharge these lakes from the springs, creeks, streams and rivers that make up this vast watershed. We speak for and honor the waters as the life-blood of our Mother Earth as an integral part of our traditional spirituality. As Native Nations we utilize these waters to define our boundaries, transport ourselves and trade goods, fish for our food and commerce, and enjoy their value for recreation and a strong economy.

A great challenge is for Tribal leaders to work to balance living in our traditional world and reacting to, and interacting with, the non-Indian world. An example of this balancing is the work that current Tribal leaders have been undertaking to protect and preserve the waters of the Great Lakes Basin. Af-

ter months of intergovernmental discussions twelve federally recognized Tribal Governments and the State of Michigan signed an Intergovernmental Accord Regarding Shared Water Resources on May 12, 2004. This agreement has led to annual meetings on how best to work on protecting the waters.

Within Indian Country reaching a consensus amongst even a few Tribes can be a daunting task. In light of this fact it is even more significant that in November of 2004 representatives of over 120 US Tribes and Canadian First Nations¹ signed another agreement, The Tribal and First Nations Great Lakes Water Accord. At an unprecedented international meeting held in Sault Sainte Marie, Michigan, this accord was presented and approved for signature. In recent times this was the first such meeting of all of the Native Nations from within the Great Lakes Basin. The meeting was opened with a pipe ceremony, and songs at a traditional drum brought in our sacred Eagle-feather staffs and Tribal flags. The accord was printed on acid-free paper, smudged with smoke from sage, read aloud in the Anishinaabe

As Native Nations we utilize these waters to define our boundaries, transport ourselves and trade goods, fish for our food and commerce, and enjoy their value for recreation and a strong economy.

language, and then signed by Tribal leaders as women hand drum singers sang as the protectors of the water.

A great challenge is for Tribal leaders to work to balance living in our traditional world and reacting to, and interacting with, the non-Indian world. A few issues have the consensus building potential the same as the protection of our waters. Because of the immediate threat to the quality and quantity of the Great Lakes waters we were able to bring so many together quickly. This unifying potential has led to the establishment of the United Indian Nations of the Great Lakes, which includes Native Nations from the St. Lawrence River in the east

all the way to Lake Nippigon northwest of Lake Superior.

While the political leaders have been working on these agreements and how to implement the provisions of the agreements, individuals from our Tribal Nations have been working in other ways. Josephine Mandamin, an Anishinaabe grandmother from Thunder Bay, Ontario, organized others to join with her in bringing attention to the plight of the Waters by walking around Lake Superior in 2003 carrying a copper bucket of water and an Eagle-feather staff. Her sacrifice of time and physical effort has become a rallying point for thousands in the Great Lakes region. In 2004 they walked for Lake Michigan, in 2005 they walked around Lake Huron, and walks around Lakes Erie and Ontario are planned for the next two years.

The leadership shown by Native Peoples has merged with, and helped to further inspire, the efforts put forth by others in at least two major Great Lakes initiatives: the Great Lakes Regional Collaboration Strategic Plan and the implementing agreements for the 1985 Great Lakes Charter Annex 2001. As of this writing all of these draft documents have been submitted to the public for comments that will be considered before the final versions are ready at the end of 2005.

At a press conference in Duluth, Minnesota on July 7th at which the Collaboration's draft strategic plan was released, I had the honor of speaking for the Great Lakes Tribes. One of the thoughts that came to me as I prepared my remarks for that day was that as a nation the United States is spending billions of dollars seeking water on other planets. This seeking for knowledge is good and is supported by Native Peoples. But we also need to spend billions of dollars to protect and preserve our Waters here on Earth.



Guest Columnist

What is the National Environmental Policy Act, and What Does It Have to Do With Casinos?

By Assistant United States Attorney Jennifer L. MacManus



Jennifer L. MacManus

In 1969, Congress enacted the National Environmental Policy Act, or "NEPA," 42 U.S.C. §§ 4321-4347, amidst a growing consensus that a new national policy was needed to protect the environment from the accompanying an increasingly industrialized and urban America. One of the catalysts that mobilized the environmental call to action that ultimately led to NEPA involved a decision by the United States Geological Survey to grant permission for an oil company to bypass federal safety regulations. In 1969, the company removed a jammed drilling tube from an oil well off the coast of Santa Barbara, California, and cracked the ocean floor. Over three million gallons of crude oil spilled through the fissure and onto the coastline, which at the time, was the worst oil spill in the country's history. A horrified public was inundated with images of oil-soaked birds suffering painful deaths on the beach.

Against this backdrop, NEPA emerged as a mechanism to control agency action, and promote rigorous environmental scrutiny by both agency decision-makers and the public. The preamble of the Act sets forth its purpose: "To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality." 42 U.S.C. § 4321. To that end, the Act directs the federal government to "use all practical means, consistent with other essential considerations of national policy" to achieve six goals, including to "fulfill the responsibilities of each generation as trustee of the environment for succeeding generations," and to

"attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." 42 U.S.C. §§ 4331(b)(1), (3).

Because NEPA's substantive provisions are thus largely aspirational in nature, the Supreme Court has held on a number of occasions that the Act is strictly procedural: it does not itself mandate particular results. See, e.g., *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989).

The real _____ of NEPA is found in its procedural requirements, which are contained in Section 102 of the Act and in detailed federal regulations promulgated by the Council on Environmental Quality, 40

"To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality."

42 U.S.C. § 4321.

C.F.R. Parts 1500-1508. Whenever a federal agency undertakes a "major federal action" that "significantly affect[s] the quality of the human environment," the agency must prepare an "Environmental Impact Statement" ("EIS"). 42 U.S.C. § 4332(2)(C). Major federal actions include an agency's adoption of official policy, formal plans and programs, and approval of specific projects, such as construction or management activities located in a defined geographic area. 40 C.F.R. § 1508.18. To determine whether a proposed action has a "significant" impact on the environment, the agency follows a two-step process. Initially, the agency prepares an "Environmental Assessment" ("EA"), which briefly discusses the need for the proposed action, the alternatives, and the environmental impacts of the proposed ac-

tion and alternatives. 40 C.F.R. §§ 1501.4, 1508.9. The EA leads either to a decision that an EIS must be prepared or, alternatively, that a "Finding of No Significant Impact" ("FONSI") may be issued. A FONSI is a document in which the agency briefly sets forth the reasons why the proposed action will not have a significant impact on the environment. 40 C.F.R. § 1508.13.

If an EIS must be prepared, NEPA specifies that it must consist of a detailed statement on the environmental impact of the proposed action, any adverse environmental effects that cannot be avoided, alternatives, the relationship between short-term uses of the environment and the maintenance of long-term productivity, and any irreversible and irretrievable commitments of resources which would be involved in the proposed action, should it be implemented. 42 U.S.C. § 4332(C). The regulations promulgated by the Council on Environmental Quality specify more detailed requirements. 40 C.F.R. §§ 1502.1-1502.25. An EIS must be submitted for review and comment by the public for 45 days. 40 C.F.R. §§ 1506.10(c),(d). The Environmental Protection Agency must review and comment on every EIS.

40 C.F.R. § 1504.1. The statute does not contain an enforcement provision. Despite the lack of a specific provision giving private citizens a right of action to challenge failures to comply with NEPA, case law has developed that permits citizens groups to bring NEPA claims against federal agencies. Thus, although some have complained that NEPA lacks "teeth" because it does not impose specific substantive requirements and does not provide an enforcement mechanism, to a certain extent, citizens groups have been successful in ensuring that federal agencies comply with NEPA's procedural requirements.

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What is the National Environmental Policy Act...continued

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Much of this litigation has involved challenges to an agency's issuance of a FONSI, or to the adequacy and completeness of an EA or an EIS. The statute does not contain an enforcement provision. Despite the lack of a specific provision giving private citizens a right of action to challenge failures to comply with NEPA, case law has developed that permits citizens groups to bring NEPA claims against federal agencies. Thus, although some have complained that NEPA lacks "teeth" because it does not impose specific substantive requirements and does not provide an enforcement mechanism, to a certain extent, citizens groups have been successful in ensuring that federal agencies comply with NEPA's procedural requirements. Much of this litigation has involved challenges to an agency's issuance of a FONSI, or to the adequacy and completeness of an EA or an EIS.

What does NEPA have to do with casinos? Federally-recognized Indian tribes generally do not have federal authorization to open casinos that offer gaming classified as "Class II" (bingo, and certain card games) or "Class III" (all other gaming, including traditional casino gaming, slot machines, roulette, blackjack, etc.) on land that was not taken into trust for the tribes' use by the Secretary of the Interior prior to the passage of the Indian Gaming Regulatory Act ("IGRA") on October 17, 1988. There are several exceptions to this rule, however, which allow tribes to file an application with the Department of Interior, Bureau of Land Management ("BIA") to have land taken into trust for the purpose of gaming. A decision by the BIA to take the land into trust in such circumstances is a "major federal action," which is subject to NEPA. Accordingly, citizens groups that oppose the construction of new casinos often file suits against the BIA alleging that the BIA failed to comply with NEPA when it decided to take land into trust for a particular tribe to use for building a casino. These groups typically challenge the BIA's compliance with NEPA on a number of grounds, from whether the proposed casino will endanger federally-protected wetlands to whether it threatens various endangered

species (in a recent case involving a proposed casino in the Western District of Michigan, for example, a claim was made that the proposed casino was located within the maternity range of the endangered Indiana bat). The issue on which courts often focus is whether the BIA has adequately considered reasonably foreseeable impacts arising from "growth," sometimes characterized as anticipated "socio-economic effects" associated with the proposed casino.

So far, anti-casino groups have had mixed success in raising their NEPA challenges (see, for example, discussion below regarding cases involving land for proposed casinos in this district). Because of this pattern of litigation, it is clear that when a tribe applies for land to be taken into trust by the Secretary of the Interior, the BIA will need to scrutinize the impact of the proposed construction on the environment.

Sources:

Department of Justice Monograph, *Overview of the National Environmental Policy Act (NEPA)*.

Oliver A. Houck, *Is That All? A Review of the National Environmental Policy Act, An Agenda for the Future*, by Lynton Keith Caldwell, 11 Duke Env'tl. L. & Pol'y F. 173 (2000).

Adrienne Smith, *Standing and the National Environmental Policy Act: Where Substance, Procedure, and Information Collide*, 85 B.U. L. Rev. 633 (2005).

* * * * *

There are three cases pending in federal court in the District of Columbia involving NEPA challenges to proposed casino projects in the Western District of Michigan.

In *Taxpayers of Michigan Against Casinos ("TOMAC") v. Norton*, No. 1:01-CV-00398-JR (filed February 21, 2001), the court found that the BIA's decision to take certain lands into trust for use by the Pokagon Band of Potawatomi Indians to construct a gaming facility violated NEPA by failing to consider adequately in its EA

secondary impacts from growth and development associated with the casino the tribe intended to build on the property. The court temporarily enjoined the BIA from taking the land into trust until the issue was adequately considered, either in a revised EA or an EIS. In March 2004, the BIA presented the court with a revised EA and renewed its motion for summary judgment, seeking relief from the temporary injunction preventing it from taking the lands into trust. On March 23, 2005, the court found in favor of the BIA, and lifted the injunction. An appeal has been filed, and is now fully briefed before the United States Court of Appeals for the District of Columbia Circuit.

In a similar suit, *Citizens Exposing Truth About Casinos ("CETAC") v. Norton*, No. 1:02-CV-01754-TPJ (filed August 30, 2002), CETAC sued the BIA, challenging BIA's decision to take certain land into trust for use by the Nottawaseppi Huron Band of Potawatomi Indians to construct a Class III gaming facility under IGRA. CETAC disputed the BIA's FONSI and argued that the decision violated NEPA because the BIA had not prepared an EIS. The district court issued a ruling on April 24, 2004, which rejected many of CETAC's arguments, but found that the BIA had failed to take into account certain socio-economic and environmental impacts and to consider alternatives to improve the tribe's economic conditions. The court sustained the temporary restraining order, which prevents the land from being taken into trust, until the BIA prepares a more detailed EA or an EIS.

In the most recently filed of these cases, *Michigan Gambling Opposition v. Norton*, No. 1:05-CV-01181-JGP (filed June 13, 2005), the Michigan Gambling Opposition ("MichGO") brought a NEPA action against the BIA challenging its decision to take land into trust for use by the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (commonly known as the "Gun Lake Tribe") to construct a Class III gaming facility. The court recently granted the tribe's motion to intervene in the case.

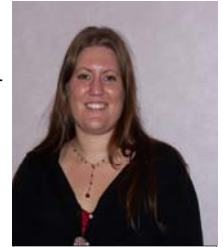
Introducing...



Karrie S. Wichtman

Karrie S. Wichtman joined the office as the administrative assistant to the United States Attorney and First Assistant United States Attorney in January of 2005. Among other duties, Karrie is involved in the organization and development for the Indian Country Unit. She is a member of the Sault Ste. Marie Tribe of Chippewa Indians, a law student at Thomas M. Cooley Law School and a graduate student at the School of Public Affairs and Administration at Western Michigan University. Some readers may recognize Karrie from her tenure as court administrator with the Pokagon Band of Potawatomi Indians. Karrie has been recognized for her substantial contribution the design, development, and implementation of the tribal structure and jurisprudence.

Angela Sandusky is a law clerk assigned to the Indian Country Unit. She is completing her final year and the Michigan State University College of Law. Angela has been a research assistant to the American Indian Law Center Director of the American Indian Law Program Donald L. Laverdyre. She also worked at the Indigenous Law and Policy Center at the Michigan State University College of Law. Among her assignments were creating Crow Br Examination Review course and developing a data base for the Crow Court of Appeals. While in law school, Angela has been active in the Native American Law Student Association, Women's Law Caucus, Environmental Law Society.



Angela Sandusky

Returning Ogitchida (A Warrior)

On August 29, 2005, the United States Attorney for the Western District of Michigan had the privilege of returning an eagle feather headdress, circa 1880, to the Cheyenne and Arapahoe Tribe of Oklahoma.

The headdress was confiscated by Special Agent Dan Sheil of the United States Fish & Wildlife Service when an antique collector in Traverse City attempted to sell it on behalf of the estate of Jean Mallory. Grand Traverse Band of Ottawa and Chippewa Indians Conservation Officer Jim Petoskey, worked undercover posing as a prospective purchaser. The headdress was immediately confiscated when it was offered for sale. The criminal case was concluded with interest in the headdress being relinquished to the United States. Thereafter, the investigators and prosecutors began the process of ensuring that the headdress was returned to its rightful owners.

United States Attorney Margaret M. Chiara transferred the Eagle Feather headdress to Mr. Gordon Yellowman of the Cheyenne and Arapahoe Tribe in a ceremony that took place at Ah-Nab-Awen Park, which overlooks the Grand River.

Mr. Yellowman, is a Sundance Priest and respected elder of the Cheyenne and Arapahoe Tribe who traveled from Oklahoma to personally receive the antiquity of the Tribe was properly returned. Cecil Pavlat of the Sault Ste. Marie

River Band; Councilmen Derrick Bailey and Buddy Raphael of the Grand Traverse Band of Ottawa and Chippewa Tribe, Jim Petoskey, United States Fish and Wildlife Service Special Agent in Charge Mary Jane Lavin, Special Agent Dan Sheil, AUSA Andrew Birge, AUSA Brian Lennon, AUSA Jeff Davis, and AUSA Leslie Hagen were in attendance.

Mr. Yellowman explained that the headdress was a warrior's bonnet. The number and type of feathers indicated that the warrior had significant stature within the Tribe. The headdress was adorned with more than 50 eagle feathers. Immature golden eagle feathers are the most sacred feathers of the Cheyenne and are awarded to warriors in recognition of acts of bravery. Mr. Yellowman, an engaging and elegant manner, described the significance of ensuring that items of cultural affiliation are returned to their Tribe. He commented that this headdress has a unique position within the Tribe. When the headdress arrives

in Oklahoma, the Cheyenne and Arapahoe will greet the warrior's bonnet with a welcoming ceremony befitting a returning Ogitchida. Mr. Yellowman declared, "This is a good day for the people of the Cheyenne and Arapahoe, the people of the Three Fires, and the people of Michigan." Aho!!



Chief Gordon Yellowman of the Cheyenne and Arapahoe Tribe of Oklahoma

Tribe of Chippewa and Chairperson of the Michigan Anishnabek Cultural Preservation and Repatriation Alliance led the ceremonial restoration of the Eagle Feather headdress to which Pavlat respectfully referred as a warrior. Chairperson Ron Yob and members of the Grand

Twelfth Annual Great Lakes Native American Conference (GLNAC)



Janet S. Strahan

The theme of the conference was "A Healing Journey - The Victim's Path to Hope." The August 22-24 conference was well attended. Participants represented tribes located in Michigan, Minnesota and Wisconsin and county, state and federal governments who work with the sovereign nations. The conference was opened "in a good way" with Kent Jackson of the Saginaw

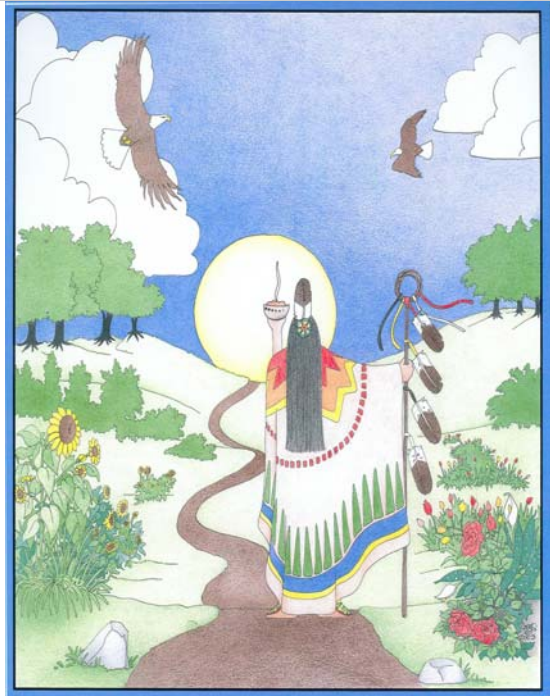
Chippewa Tribe conducting a pipe ceremony and invocation. After the morning prayer, the Saginaw Chippewa Indian Tribe Veterans Society joined by the Saginaw Chippewa Indian Tribe Dancers and Singers posted the colors.

The United States Attorney from Minnesota, Tom Heffelfinger, asked that a moment of silence be observed to remember the victims of the Red Lake Reservation killings.

The five plenary session topics focused on "A Collaborative Response to Victims," "Family Violence in Indian Country" and "Using the Resiliency of Humor." These sessions were complimented with eight breakout sessions.

Many participants took advantage of the beautiful weather to enjoy the river boat dinner cruise Tuesday evening. The event provided the opportunity to mingle while traveling down the river to Saginaw Bay.

The GLNAC Planning Committee thanks the Saginaw



Chippewa Indian Tribe. Special thanks to victim advocates Heather Bartlett and Mandy Wigren whose early efforts from "solid ground" for ___ development put in place many things before this event was underway. Saginaw Chippewa artist Jolene Quinlan captured the conference theme in her exquisite drawing.



Chippewa Indian Tribe. Special thanks to victim advocates Heather Bartlett and Mandy Wigren whose early efforts from "solid ground" for ___ development put in place many things before this event was underway. Saginaw Chippewa artist Jolene Quinlan captured the conference theme in her exquisite drawing.

Collaboration & Cooperation: The Future of the Pokagon Band Tribal Court

On August 9, 2005 the Pokagon Band of Potawatomi Indians achieved another milestone along the road of tribal governance. This long awaited day was designed to allow surrounding jurisdictions a view into the Pokagon Band Tribal Court and be eased by the competence and caliber of the individuals who serve on the bench. The United States Attorney's Office, the State Court Administrators Office, area judges, court administrators, and probation officers joined the Pokagon Band Judiciary for this day of sharing. Pokagon Band Cultural Associate Jason Wesaw welcomed the group with a prayer and song. Guests were invited to share in a traditional Potawatomi meal before the commencement of the afternoon program.

Following lunch, presentations were made designed to create awareness of the services and resources available to Pokagon Band members and other members of federally recognized tribes.

Afterwards the Pokagon Band Judiciary and honored guests painted a portrait of issues affecting Indian Country and tribal courts today. Topics included

- Tribal Civil Jurisdiction - Chief Appellate Judge Robert Anderson;
- Tribal Criminal Jurisdiction and Federal Law Interface - AUSA Jeff Davis;
- Tribal Criminal Jurisdiction - Appellate Judge Matthew L.M. Fletcher;
- Judicial Independence, Community, and Child Protection - Chief Judge

Michael Petoskey; and

- The Indian Child Welfare Act - Appellate Judge Jill Tompkins.

The message of the afternoon was about collaboration and cooperation between the Pokagon Band Tribal Court and its surrounding jurisdictions. Guests were encouraged to contact the Tribal Court with questions as development of the court and tribal governance continues.

At the end of the afternoon several guests took advantage of the opportunity to tour the Tribal Court facility located at the Pokagon Band Rogers Lake Complex.



Indian Country Criminal Case Updates

United States v. Sheldon Lee Alexander (Hannahville Indian Community - Assault Resulting in Serious Bodily Injury). On July 1, 2005, Sheldon Lee Alexander, age 34, of Wilson, Michigan, was sentenced to a term of 30 months incarceration followed by 3 years of supervised release, and a special assessment of \$100, for his conviction of Assault Resulting in Serious Bodily Injury. The assault occurred in September 2004 on land held in trust by the United States for the use of the Hannahville Indian Community. Both the defendant and the victim are Native Americans. AUSA Leslie A. Hagen.

United States v. Steve Anderson (Grand Traverse Band of Ottawa and Chippewa - Assaulting a Federal Officer). On June 14, 2005, Steven Ray Anderson, age 39, of Suttons Bay, Michigan, was sentenced to 3 months incarceration followed by 2 years supervised release, a fine of \$600.00, and a special assessment of \$100.00. The assault occurred on October 31, 2004, on lands held in trust by the United States for the use of the Grand Traverse Band of Ottawa and Chippewa Indians. The defendant was convicted of a felony assault of a tribal officer while that officer was engaged in his official duties. AUSA Jeff Davis

United States v. Michael Allen Corwin (Sault Ste. Marie Tribe of Chippewa Indians - Aggravated Sexual Abuse). On August 2, 2005, Michael Allen Corwin, age 30, of Lennox, South Dakota, was sentenced to a term of 108 months incarceration followed by 3 years of supervised release, a fine of \$1700 and a special assessment of \$100 for his conviction of Aggravated Sexual Abuse. At his plea hearing, Corwin admitted to engaging in a sex act with a 6 or 7 year old girl between 1997-1999. The sex act took place on land held in trust by the United States for the use of the Sault Ste. Marie Tribe of Chippewa Indians. The victim is an enrolled member of the Sault Tribe and Corwin is non-Indian. AUSA Leslie A. Hagen.

United States v. David James Delisle (Hannahville Indian Community - Distribution of Cocaine) On July 5, 2005, David James Delisle, age 29, of Germantown, Wisconsin, pled guilty to a federal indictment charging him with distribution of cocaine. The offense carries a maximum sentence of 20 years in prison followed by a minimum of 3 years of supervised release and a fine of \$1,000,000. Delisle admitted that on April 23, 2005, he delivered a quantity of cocaine to an undercover UPSET detective, believing the detective to be a drug customer. A subsequent search of Delisle's hotel room at the Island Casino and Resort by UPSET and Hannahville Tribal Police resulted in the seizure of other evidence. Sentencing is set for December 19, 2005. AUSAs Brian P. Lennon and Maarten Vermaat.

United States v. David James Delisle (Hannahville Indian Community - Distribution of Cocaine) On July 5, 2005, David James Delisle, age 29, of Germantown, Wisconsin, pled guilty to a federal indictment charging him with distribution of cocaine. The offense carries a maximum sentence of 20 years in prison followed by a minimum of 3 years of supervised release and a fine of \$1,000,000. Delisle admitted that on April 23, 2005, he delivered a quantity of cocaine to an undercover UPSET detective, believing the detective to be a drug customer. A subsequent search of Delisle's hotel room at the Island Casino and Resort by UPSET and Hannahville Tribal Police resulted in the seizure of other evidence. Sentencing is set for December 19, 2005. AUSAs Brian P. Lennon and Maarten Vermaat.

United States v. Raul Guillen (Grand Traverse Band - Interstate Travel In Aid Of Racketeering) On June 20, 2005, Raul Guillen, age 24, of Northport, Michigan, pled guilty to a federal information charging him with Interstate Travel in Aid of Racketeering Enterprises; specifically, a drug trafficking operation that was obtaining cocaine and marijuana from Texas and transporting the drugs to Grand Traverse and Leelanau Counties, including tribal lands held in trust by the United States for the use of the Grand Traverse Band of Ottawa and Chippewa Indians. The offense carries a maximum penalty of 5 years imprisonment followed by 3 years of supervised release and a maximum fine of \$250,000. Sentencing is set for October 13, 2005. AUSA Brian P. Lennon.

United States v. Jeffrey Haenlein (Grand Traverse Band - Cocaine Conspiracy) On August 5, 2005, Jeffrey Haenlein, age 23, of Lake Leelanau, Michigan, pled guilty to a federal indictment charging him with conspiracy to distribute and possess with intent to distribute cocaine in Grand Traverse and Leelanau Counties, including tribal lands held in trust by the United States for the use of the Grand Traverse Band of Ottawa and Chippewa Indians. The offense carries a maximum sentence of 20 years in prison followed by a minimum of 3 years of supervised release and a fine of \$1,000,000. Sentencing is set for November 13, 2005. AUSA Brian P. Lennon.

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Indian Country Criminal Case Updates

United States v. Lawrence Kruzel (Sault Ste. Marie Tribe of Chippewa Indians - Aggravated Sexual Abuse). On October 4, 2005 Lawrence Kruzel, age 27, of Marquette, Michigan pled guilty to a federal indictment charging him Aggravated Sexual Abuse. This offense carried a maximum penalty of life imprisonment, 5 years of supervised release, a fine of not more than \$250,000, a special assessment of \$100, and restitution. At his plea hearing, Kruzel admitted to engaging in a sex act with an 11 year old girl in 2003. The defendant also agreed to register as a sexual offender under the laws of the State of Michigan and to be tested for the etiologic agent for acquired immune deficiency syndrome. The sex act took place in the victim's home located on land held in trust for the use of the Sault Ste. Marie Tribe of Chippewa Indians. The victim is an enrolled member of the Sault Ste. Marie Tribe, and Kruzel is non-Indian. Sentencing is set for October 17, 2005. AUSA Leslie A. Hagen.

United States v. Russell Ralph Little (Hannahville Potawatomi Indian Community – Assault with a Dangerous Weapon). On July 1, 2005, Russel Ralph Little, age 26, of Wilson, Michigan, was sentenced to 18 months incarceration followed by 3 years of supervised release, a fine of \$1,000, 250 hours of community service and a special assessment of \$100 for his conviction of Assault with Dangerous Weapon. The assault occurred in January 2005 on land held in trust by the United States for the use of the Hannahville Potawatomi Indian Community. Little admitted to physically assaulting a woman and threatening her with a rifle. Both the victim and Little are Native American. AUSA Leslie A. Hagen.

United States v. Melissa Matthews (Sault Ste. Marie Tribe of Chippewa Indians - Sexual Abuse of a Minor). On April 27, 2005, Melissa Matthews, age 20, of Dafter, Michigan, was sentenced to a term of 36 months incarceration followed by 3 years of supervised release, a fine of \$850 and a special assessment in the amount of \$100 for the conviction Sexual Abuse Against a Minor. At her plea hearing, Matthews admitted to engaging in a sex act with a 13 or 14 year-old victim. The sex act took place in the victim's home located on land held in trust by the United States for the use of the Sault Ste. Marie Tribe of Chippewa Indians. The victim is a non-Indian and Ms. Matthews is an Indian. AUSA Leslie A. Hagen.

United States v. Holly Lynn McNeely-Orr (Bay Mills Indian Community - Theft from an Indian Gaming Establishment). On August 22, 2005, Holly Lynn Mcneely-Orr, age 28, of St. Ignace, Michigan, was sentenced to 13 months incarceration followed by 2 years of supervised release, 120 hours of community service, \$8,100.00 restitution to be paid to the Bay Mills Resort and Casino and a special assessment of \$100 for her conviction of Theft from an Indian Gaming Establishment. AUSA Paul D. Lochner

United States v. Jamie Michael Orr (Bay Mills Indian Community - Theft from an Indian Gaming Establishment). On August 22, 2005, Jamie Michael Orr, age 25, of St. Ignace, Michigan, was sentenced to 13 months incarceration followed by 2 years of supervised release, 120 hours of community service, \$11,200.00 restitution to be paid to the Bay Mills Resort and Casino and a special assessment of \$100 for his conviction of Theft from an Indian Gaming Establishment. AUSA Paul D. Lochner

United States v. Dominic S. Nazario (Hannahville Indian Community – Assault by Wounding). On April 12, 2005, Dominic S. Nazario, age 35, of Wilson, Michigan, was sentenced to 3 years probation and 10 days in jail, with credit for time served for his conviction of Assault by Wounding. The assault occurred November 27, 2004, at the home of the victim on land held in trust by the United States for the use of the Hannahville Indian Community. The victim is a member of the Hannahville Indian Community, and Nazario is non-Indian.. AUSA Leslie A. Hagen.

United States v. Matthew O'Non et al. (GTB - Cocaine and Marijuana Conspiracy, & Maintaining a Drug Establishment) On September 22, 2005, a grand jury in Grand Rapids, Michigan, returned an indictment charging Matthew O'Non and Christopher O'Non of Traverse City, Michigan, and Joseph Stayer and Thomas Stayer of Suttons Bay, Michigan, with violations of the Controlled Substances Act. Count 1 alleges that all 4 individuals conspired to distribute and possess with intent to distribute over 50 kilograms of marijuana. Count 2 charges both O'Nons and Joseph Stayer with conspiracy to distribute and possess with intent to distribute cocaine, and Count 3 charges Joseph and Thomas Stayer with maintaining a drug establishment at their Suttons Bay, Michigan home. All 3 charges carry a maximum sentence of 20 years in prison along with other penalties. The cocaine and marijuana was obtained from Texas and distributed in Grand Traverse and Leelanau Counties, including tribal lands held in trust by the United States for the use of the Grand Traverse Band of Ottawa and Chippewa Indians. No trial date is set. The charges in an indictment are merely accusations, and the defendants are presumed innocent until and unless proven guilty in a court of law. AUSA Brian P. Lennon.

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Indian Country Criminal Case Updates

United States v. Jack Arlin Ordway (Bay Mills Indian Community—Sexual Abuse Against a Minor).

On March 28, 2005, Jack Arlin Ordway, age 68, of Marquette, Michigan was sentenced to a term of 24 months incarceration followed by 3 years of supervised release and special assessment of \$100. At his plea hearing, Ordway admitted to engaging in a sex act with a 14 year old victim. The sex act took place in August 2004 at a home located on land held in trust by the United States for the use of the Bay Mills Indian Community. The victim is Native American, Ordway is non-Indian. AUSA Leslie A. Hagen.

United States v. Oscar Ramirez, Jr. (Grand Traverse Band of Ottawa and Chippewa Indians – Assault by Wounding). On May 5, 2005, Oscar Ramirez, Jr., age 29, of Benzonia, Michigan pled guilty and was sentenced in federal court to the maximum term of 6 months incarceration for the crime of Assault by Striking, Beating, or Wounding. At his plea and sentencing, Ramirez admitted to assaulting an adult male member of the Grand Traverse Band of Ottawa and Chippewa Indians in April 2005 on land held in trust by the United States for the use of the Grand Travers Band of Ottawa and Chippewa Indians. At the time of this assault, Ramirez was serving a period of supervised release for an April 2004 conviction of domestic violence. As a result, Ramirez was also sentenced to serve 12 months in prison for violating the terms of his supervised release. The 2 sentences will be served consecutively, for a total of 18 months incarceration. AUSA Leslie A. Hagen.

United States v. Simone Raphael (Grand Traverse Band of Ottawa and Chippewa Indians – Sexual Abuse of a Minor). On July 25, 2005, Simone Raphael, age 25, of Leelanau County, Michigan was sentenced to a term of 27 months incarceration followed by 3 years of supervised release and a special assessment of \$100 for conviction of Sexual Abuse Against a Minor. At her plea hearing, Raphael admitted to engaging in a sex act with a 13 year old victim in October or November of 2002 at a home located on land held in trust by the United States for the use of the Grand Traverse Band of Ottawa and Chippewa Indians. Both the victim and defendant are Indian. AUSA Leslie A. Hagen.

United States v. Noel Sagataw (Hannahville Indian Community—Sexual Abuse Abuse of a Minor). On June 2, 2005, Noel Sagataw, age 20, of Wilson, Michigan pled guilty to a federal indictment charging him with Sexual Abuse Against a Minor. The offense carries a penalty of fifteen years imprisonment, three years of supervised release, a fine of not more than \$250,000, a special assessment of \$100 and restitution. Sagataw has agreed to register as a sex offender under the laws of the State of Michigan and to be tested for the etiologic agent for acquired immune deficiency syndrome. The sex act took place on January 10, 2004, in the defendant's home located on land held in trust by the United States for the use of the Hannahville Indian Community. Both the victim and the defendant are Indian. Sentencing is set for October 17, 2005. AUSA Leslie A. Hagen.

United States v. Richard A. Scharp, Jr. (Little River Band of Odawa Indians). On September 16, 2005, Richard A. Scharp, Jr. was convicted of forcibly resisting, impeding federal officers and with being a disorderly person. The incident occurred on January 30, 2005, at the Little River Band of Odawa's Casino and Resort located in Manistee, Michigan on lands held in trust by the United States for the use of the Little River Band of Odawa Indians. The defendant, intoxicated at the time, refused to stop drinking after being warned on numerous occasions by casino employees, and was later resisted arrest by tribal officers. The defendant is an emergency room doctor at Westshore Medical Center in Manistee, Michigan. Scharp will be sentenced later this year. AUSA Jeff Davis

United States v. Edwin George Schroeder (Hannahville Indian Community - Assault by Wounding) On August 4, 2005, Edwin George Schroeder, age 37, of Escanaba, Michigan was sentenced to 8 days in jail for the conviction of Assault by Striking, Beating, or Wounding. The assault occurred on January 12, 2005 on land held in trust by the United States for the use of the Hannahville Indian Community. The victim is a member of the Hannahville Indian Community, Schroeder is non-Indian. AUSA Leslie A. Hagen.

United States v. Joseph Lee Seymour (Hannahville Potawatomi Indian Community—Aggravated Sexual Abuse) On May 9, 2005, Joseph Lee Seymour, age 28, of Sault Ste. Marie, Michigan was sentenced to a term of 262 months incarceration followed by five years of supervised release, and a special assessment of \$100 for the jury conviction of the sexual assault of a child under the age of twelve and the forcible rape of an adult woman. The assault of child victim occurred in or about August to October 2001. The assault of the adult victim occurred in or about June to August 2001. The assaults occurred at two separate homes located on land held in trust by the United States for the use of the Hannahville Indian Community. Both the victims and the defendant are members of the Hannahville Indian Community. AUSA Leslie A. Hagen

Indian Country Criminal Case Updates

United States v. Daniel Saad (Lac Vieux Desert - Possession of Cocaine/Forfeiture). On June 3, 2005, Daniel Saad, age 42, of Watersmeet, Michigan, pled guilty to a federal information charging him with possession of cocaine. The offense carries a maximum penalty of 1 year imprisonment followed by not more than 1 year of supervised release, a mandatory minimum fine of \$1,000, and maximum fine of \$100,000. On November 4, 2004 the Lac Vieux Desert Tribal Police executed a search warrant and recovered cocaine, marijuana and \$5,390 of United States currency. The defendant agreed to forfeit the \$5,390 to the Lac Vieux Desert Police Department and an additional \$5,000 to the Upper Peninsula Substance Enforcement Team (UPSET) as substituted assets for a pickup truck used by Saad to facilitate the crime. Sentencing is set for October 27, 2005. AUSAs Brian P. Lennon and Maarten Vermaat.

United States v. Edwin George Seymour (Hannahville Potawatomi Indian Community-Aggravated Sexual Abuse) On May 9, 2005, Joseph Lee Seymour, age 28, of Sault Ste. Marie, Michigan was sentenced to a term of 262 months incarceration followed by 5 years of supervised release, and a special assessment of \$100 for the jury conviction of the sexual assault of a child under the age of 12 and the forcible rape of an adult woman. The assault of child victim occurred on or about August to October 2001. The assault of the adult victim occurred on or about June to August 2001. The assaults occurred at two separate homes located on land held in trust by the United States for the use of the Hannahville Indian Community. Both the victims and the defendant are members of the Hannahville Indian Community. AUSA Leslie A. Hagen.

United States v. Matthew Sean Spry (Hannahville Indian Community - Aggravated Sexual Abuse) On September 26, 2005 Matthew Sean Spry, age 27, of Menominee County was convicted of 2 counts aggravated sexual abuse. The sexual assaults involved younger female members who were under the age of 12 at the time of the assaults. The evidence showed that the defendant sexually assaulted the older of the 2 victims in December 1995 and the younger of the 2 victims in May 1998 to July 1998. The assaults occurred in at two separate locations on land held in trust by the United States for the use of the Hannahville Indian Community. The 2 victims are members of the Hannville Indian Community, the defendant is non-Indian. Sentencing is set for December 22, 2005. AUSA Leslie A. Hagen.

United States v. Thomas Donald Teeple (Bay Mills Indian Community-Voluntary Manslaughter) On June 30, 2005 Thomas Donald Teeple, age 27, formerly of Brimley, Michigan pled guilty to a federal information charging him with Voluntary Manslaughter. The offense carries a maximum penalty of 10 years imprisonment. Teeple is currently being held in the Marquette County jail. At his plea hearing, Teeple admitted to engaging in argument with the victim, pulling out a butterfly-type, single edged knife and stabbed Jason Lyons 3 times, killing him. The altercation occurred on land held in trust by the United States for the use of the Bay Mills Indian Community. Both the victim and the defendant are enrolled members of the Bay Mills Indian Community. Sentencing is set for December 19, 2005. AUSA Leslie A. Hagen.

United States v. Matthew James Trojanek (Grand Traverse Band of Ottawa and Chippewa Indians - Assault) On July 20, 2005, Matthew James Trojanek, age 30, of Kewadin, Michigan was sentenced to a total of 26 months incarceration, 14 months to be served in prison followed by 12 months of supervised release for the conviction of 4 counts of assault. At his plea hearing, Trojanek admitted to pushing a 14 year-old victim into the wall during an argument on February 11, 2003. Grabbing and striking the adult female relative victim in head on April 29, 2003. Kicking and choking the same adult female victim on May 28, 2004 and pushing a 6 year old girl to the ground on September 12, 2004. All 4 incidents occurred on land held in trust by the United States for the use of the Grand Traverse Band of Ottawa & Chippewa Indians. All of the victims are members of the Grand Traverse Band of Ottawa & Chippewa Indians, Trojanek is non-Indian. AUSA Lelsie A. Hagen.

United States v. Ralph G. Waldo, Jr. (Little River Band of Odawa Indians - Assaulting a Federal Officer) On August 19, 2005, Ralph Gilbert Waldo, Jr. was sentenced to six months incarceration followed by one year of supervised release, a fine of \$550.00, and a special assessment of \$25.00. On January 4, 2005, the defendant assaulted a Little River Band of Odawa tribal officer at the Tribe's Casino and Resort, which is located on lands held in trust by the United States for the use of the Little River Band of Odawa Indians. AUSA Jeff Davis.

United States v. Luann Jennifer Wandahsega (Hannahville Indian Community - Assault by Wounding). On June 2, 2005, Luann Jennifer Wandahsega, age 35, of Wilson, Michigan, was sentenced to a term of 4 months, 18 days in jail on the conviction of Assault by Wounding. The assault occurred in September 2004 on land held in trust by the United States for the use of the Hannahville Indian Community. Wandahsega participated in the assault by slapping the victim on the cheek, sitting on top of her, and drawing her fist back as if to strike the victim. Both the victim and defendant are Native American. AUSA Leslie A. Hagen.

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