

Gaming disput

(Continued from page 2)

and going against his word."

The Eastern Shawnee Business Committee held a meeting Sunday afternoon in the midst of Pow Wow activities, and agreed to pursue all legal channels to recover the confiscated property and other assets, terming the raid and subsequent moves "an excessive economic abuse of power."

In addition, Tribal Council Officers believe that there are political overtones to Thursday's massive raid on a compound on which there has never been a

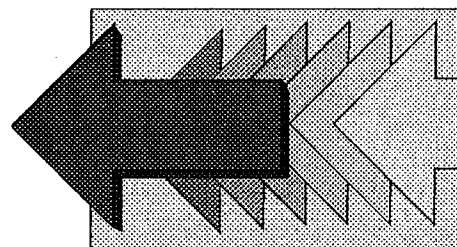
problem of any such magnitude.

They point out that although other tribes in the state operate gaming concessions, none were involved in Thursday's action. They feel the Eastern Shawnees are being singled out for being the most aggressive and progressive in securing their economic independence and well-being through legal gaming.

They also point out that this comes at a time when the Congressional Ways and Means Committee is drafting a bill to tax Indian gaming, although other gaming, such as state lotteries, is not subject to federal taxation.

Funds for the Bureau of Indian Affairs have already been slashed by Congress. It is also notable that Indian Gaming is the first Native American venture which is proving profitable to a people trying to preserve their dignity through self reliance and economic independence.

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◆Tribe

Continued from page 1

legal under federal and tribal gaming laws," Ross said at a news conference Friday.

Lamont Laird, tribal council and business committee member, said that Lewis, who authorized the raid, "was not happy with that ruling, and chose this way to exert his authority and overturn the legal ruling we got in a separate federal jurisdiction."

Laird said the tribe had cooperated with the U.S. Attorney's office on gaming issues in the past, and was willing to do so in this case.

"We bought these machines in 1992, from the Oasis company, a subsidiary of Infanation, headquartered in Omaha, Neb.," Laird said.

"They were a reputable company

doing business with other tribes in Oklahoma, and at that time the pull tab machines they were selling were legal under state and tribal laws," he said.

Laird said that in February 1993, a California court decision outlawed the machines because they used an electronically-stored memory for selecting the proportion of winners in the tabs they dispensed.

"We had our machines completely re-programmed with new software and installed a bar-code reading system, which dispensed paper pull tabs, which is completely legal under the federal gaming statute," he said.

Laird said the tribe invited Lewis to inspect the modified machines, but he declined.

"When we put them into use in

January of this year, he sent us a letter saying they were illegal in his opinion. We stopped the use of the machines, and went to the BIA court for a ruling. That was issued in our favor on July 7, and we started using the machines again," he said.

"We would have been cooperative again if Mr. Lewis had sent us another letter, instead of 75 federal agents in a quasi-military invasion," he said.

Laird said the tribe has asked its attorney, Mike McBride III, Tulsa, to determine what its legal options are now.

Subpoenas

Subpoenas name tribal officials

By Gary Garton
Joplin Globe

WEST SENECA, Okla.-Federal agents made a second unsuccessful attempt Wednesday to seize \$363,409 of the Eastern Shawnee Tribe's funds.

The agents served tribal officials and some bingo hall employees with subpoenas to appear Oct. 3 before a federal grand jury at Tulsa.

"They're trying to play hardball now, because we've had the nerve to stand up to a U.S. Attorney and are trying to work through the court system to resolve this legally," Jack Ross, Tribal Gaming Commissioner, said later.

According to tribal administrative staff, two women identifying themselves as an FBI agent and a U.S. Marshal came to the tribe's offices shortly after 1 p.m. Wednesday saying they had an arrest and seizure warrant for the money from Danny Captain, Manager of the tribe's bingo hall.

Captain, who was on a day off, went to the tribal complex and was served with a seizure order for the proceeds from two tribal bank

accounts that were closed out Monday.

Captain said he told the agents he did not have the money orders and cashiers checks representing the money that was in the accounts, and he was then served with a subpoena to appear before the

grand jury Oct. 3.

"They're trying to play hardball now, because we've had the nerve to stand up to a U.S. attorney and are trying to work through the court system to resolve this legally," said Jack Ross, tribal gaming commissioner

The subpoena specifies he is to testify about possible violations of federal law in relation

to gambling activities."

Ross received a similar subpoena, and said the agents had 10 more naming other tribal officials and some employees of the bingo hall.

"We told them we were the only ones here, and they could go hunt down the others if they want to serve the papers," Ross said.

Asked about the funds from the two tribal accounts, Ross said, "I honestly don't know where they are, nor does Danny. We know they're in a safe place, and the money orders and cashiers' checks were made out to the tribe, not to

any individual, so they're secure so far as our internal accounting goes."

Last Thursday, 75 to 100 federal agents stormed the tribal complex, seizing 55 video gaming machines, \$3,800 in cash, and tribal business records going back to 1989.

Agents also raided 36 private businesses in Oklahoma and Kansas, seizing gambling machines and business records, but according to reports, no cash was taken at those locations.

On Monday, the tribe learned that U.S. Attorney Steve Lewis of Tulsa had frozen -via a letter- two accounts the tribe had at the Community Bank & Trust at Seneca, Mo.

Tribal attorneys pointed out to the bank officials the letter did not constitute a court order, and had been issued by a federal official in another jurisdiction.

The bank released a tribal bingo hall account, which held \$330,409, and an administrative account that held \$33,000, according to Ross.

"They're trying to put us out of business, and in the process cripple all aspects of our tribal social services and benefits for members," Ross said Wednesday.

"It won't work. Even if they had obtained the money, we would have borrowed more and kept the bingo hall operating until we built up the funds again," he said.

Earlier this week the tribe filed motions in U.S. District Court at Tulsa seeking an injunction to prevent Lewis from, "interfering further in tribal business," and

(Continued on page 5)