



Tribal Justice

United States Attorney's Office
Western District of Oklahoma



Tribal Justice - Issue 2

UNITED STATES
ATTORNEY'S OFFICE
WESTERN DISTRICT
OF OKLAHOMA

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Inside this issue:

Message from the U.S. Attorney 1

Dep. A.G. Cole Speaks at Sovereignty Symposium 1

Central Violations Bureau Training 2

AGAC/NAIS Joint Meeting at Wounded Knee - July 2011 2

The Historical Origins and the Re-Establishment of Jurisdiction over Indian Country Lands in Western Okla. 3

U.S. Attorney's Office Hosts Native American Heritage Program for Federal Court 5

Summary of 2011-2012 Significant Press Releases Involving Indian Country 5

Over \$101 Million in Grants to Tribes Through DOJ's Coordinated Tribal Assistance Solicitation Awards 8

AUSA/Tribal Liaison Don Gifford Appointed as Associate Justice of Supreme Court of Iowa Tribe 9

Reporting Crime in Indian Country 9



Message from the United States Attorney

It has been a tremendously exciting year for the United States Attorney's Office for the Western District of Oklahoma with regard to our efforts in Indian Country. In addition to our continued excellence in prosecuting crime, we have had great success in our outreach efforts and received several accolades. Our commitment to public safety in Indian Country remains strong, and I want to thank all our law enforcement partners that seek justice for American Indians on a daily basis.

In June 2012 the Deputy Attorney General of the United States, James Cole, came to Oklahoma to

deliver a keynote address at the opening ceremony of the 2012 Sovereignty Symposium. Mr. Cole's address is included in this newsletter, and it was a true honor to host him in Oklahoma. He has asked me to thank, again, all those tribal leaders, political leaders and judges he met while in Oklahoma for the hospitality he received.

The Sovereignty Symposium was, as usual, a great success and, also as usual, included criminal justice panel with representatives from all three United States Attorney's Offices in Oklahoma. Additionally, Western District of Oklahoma Assistant United (cont. on pg. 9)



Sanford C. Coats
United States Attorney

United States Deputy Attorney General James M. Cole Speaks at the 2012 Oklahoma Sovereignty Symposium

(Remarks Reprinted from DOJ Press Release Dated June 12, 2012)

Thank you, Sandy, for that generous introduction, and for the continuing commitment that you and the entire federal team here in Oklahoma bring to the Department's work in Indian country. I would also like to thank the Oklahoma Supreme Court and all of its co-sponsors for organizing today's event. I am honored to be among the distinguished speakers—including Representative Tom Cole, the Honorable Sandra



Day O'Connor, former Attorney General Janet Reno, the Honorable 10th Circuit Court of Appeals Chief Judge

Robert Henry, Chickasaw Astronaut John Herrington, Olympic Gold Medalist Billy Mills, the World War II Indian Code Talkers, and many more—who have traveled to Oklahoma City, either presently or in the past, to participate in this Symposium. It's truly a unique forum, bringing together tribal leaders, state and federal governments, academics, judges, and members of the public. Respect for tribal sovereignty, which inspires the title of this Symposium, underlies all of the work that the Department of Justice does to further tribal justice and public safety. In much of Indian country, we alone have the authority to seek a significant term of incarceration when a serious crime has been committed. But more importantly, it is also a moral duty to

ensure public safety in all of our Nation's communities. Given this important legal and moral responsibility to prosecute violent crime in Indian country, in reality, we can only be effective if we have partnerships and close cooperation with tribes, based on respect for tribal sovereignty and self-determination. From the very beginning of this Administration, Attorney General Holder recognized the need to make tribal public safety a priority. We know that many tribal nations are struggling to combat staggering rates of violent crime with inadequate resources. The status quo is—quite simply—unacceptable. In response, Attorney General Holder launched a Department-wide effort to fight crime and strengthen tribal justice systems. (cont. on pg. 4)

INDIAN COUNTRY MISDEMEANOR PROSECUTION PROJECT

In 1998 AUSA Arvo Mikkonen, the district's tribal liaison, developed a Indian Country Misdemeanor Prosecution project to allow BIA and tribal officers with BIA Deputy Special Officer ("DSO") commissions to issue federal violation notices for crimes committed in Indian country. The system uses the Central Violations Bureau ("CVB") for the prosecution of misdemeanors in federal court for certain offenses, particularly those where a non-Indian is the perpetrator. The CVB, operated by the Administrative Office of the U.S. Courts in San Antonio, Texas, processes such federal tickets from national parks, military bases, and

other federal enclaves throughout the United States.

In many cases, because of the jurisdictional limitations of federal law, certain offenses cannot be prosecuted in tribal court due to the non-Indian status of the offender. State authorities generally lack jurisdiction to prosecute non-Indians who commit offenses against Indians. The misdemeanor docket has allowed BIA and DSO carrying tribal officers to charge a non-Indian with criminal misdemeanor violations that occur



Law Enforcement Officers from the BIA - Anadarko, the Comanche Nation, the Chickasaw Nation, the Iowa Tribe, and the City of Tonkawa who participated in the CVB Training held at the U.S. Attorney's Office in April of 2011.



Law Enforcement Officers from the BIA - Ponca City and the Kaw Nation who participated in the CVB Training held at the Ponca Tribal Headquarters in March of 2012.

within Indian country when there is an Indian victim. Additionally, the docket allows the prosecution of other misdemeanors in the federal system against both Indians and non-Indians alike for offenses such as drug possession, embezzlement from a tribe, or for hunting and fishing violations, among others. The system used in the Western District has been the focus of national attention and has been a model for other U.S. Attorney's Offices from a variety of districts including the Western District of Michigan, the Northern District of Oklahoma and others who have received information from the Western District of Oklahoma when considering whether to implement such a system.

The docket is held once a month in

the Western District of Oklahoma and generally includes from 5 to 15 cases at each session. The majority of cases filed are Class "A" misdemeanors which entitle the defendant to have a jury trial. Public defenders are appointed for indigent defendants and U.S. Probation Officers provide pre-trial supervision, as well as supervised release is ordered. If jail time is ordered as part of a sentence, the defendant is placed in a U.S. Bureau of Prisons facility.

Tribal police officers must first be certified by the BIA to carry federal Deputy Special Officer Commissions, after completing an application process and undergoing specialized training. AUSA Mikkonen has conducted several training sessions (pictured here) for both BIA and tribal officers interested in participating in the program in the past year.

AGAC/NAIS Joint Meeting at Wounded Knee - July 2011



In July of 2011, U.S. Attorney Sanford C. Coats joined Attorney General Eric Holder and other administration officials as they met with tribal leaders and advocates in

the fields of tribal safety and domestic violence in Rapid City, S.D., and Pine Ridge Reservation, S.D. The tribal listening conference coincided with the one year anni-

versary of President Obama's signing of the Tribal Law and Order Act (TLOA) into law—a measure aimed at helping both tribal governments and the federal government better address the unique public safety challenges facing Native American communities across the country.

During that week, U.S. Attorney Coats, Attorney General Eric Holder, Associate Attorney General Thomas J. Perrelli, Assistant Attorney General Ignacia Moreno of the Environment and Natural Resources Division, Department of Interior Bureau of Indian Affairs Secretary Larry Echo Hawk, and 30 other United States Attorneys engaged in a host of conversations, including combating violence against women, protecting tribal lands, honoring traditional Native

American values, and training tribal prosecutors and police forces.

Attorney General Holder also participated in a special wreath laying ceremony at Wounded Knee. He is the first administration official since President Clinton in 1999 to visit the historic site.

U.S. Attorney Coats has served on the Native American Issues Subcommittee (NAIS) of the Attorney General's Advisory Committee, advising Attorney General Holder on Indian Country matters since his appointment as United States Attorney.



The Historical Origins and the Re-Establishment of Jurisdiction over Indian Country Lands in Western Oklahoma

The original Indian Territory was the relocation area for over 60 Indian tribes moved onto reservations from as far away as Oregon, New York, Florida and Delaware from the 1830s until the 1880s. Local criminal jurisdiction was exercised on these reservations by tribal courts and the federally administered Court of Indian Offenses.

Following the admission of Oklahoma into the union as a state in 1907, considerable confusion existed regarding the legal status of Indian allotments, tribal cemeteries, and other areas of tribal land that remained after the original reservation areas were homesteaded by non-Indians in land runs and lotteries. In light of the disruption caused by the individualization of tribal lands and influx of non-Indians, many people assumed that the powers of Oklahoma Indian tribes was somehow extinguished or dissolved. The unclear status of Indian

tribal governments remained for many decades up until the 1970s.

In 1975, an Indian vs. Indian homicide occurred in Caddo County on a Kiowa Indian allotment still held in trust status, and the question of state versus tribal and federal jurisdiction surfaced. Judge Daugherty of the United States Court for the Western District of Oklahoma, concluded that the offense was one which did occur on lands still recognized as Indian country under federal law. As a result, Indian trust lands were recognized to be under exclusive federal and tribal jurisdiction, not state authority, for offenses committed by Indians. *United States v. Littlechief*, No. 76-207-D (W.D. Okla. Nov. 7, 1977), followed and re-printed in *State v. Littlechief*, 573 P.2d 263 (Okla. Crim. App. 1978). Critical briefing was provided to the court which finally set the legal record straight on the issue of

criminal jurisdiction over the hundreds of thousands of acres of remaining allotments and tribal trust lands in Western Oklahoma. It was ultimately concluded that tribal powers from pre-statehood days survived relatively intact, despite the great loss of tribal lands through the opening of most of the original Indian Territory reservations to non-Indian homesteading.

Shortly after the Littlechief decision, because there was a lack of state jurisdiction over misdemeanor offenses committed by Indians against Indians within Indian country, attorneys and federal officials worked quickly to put a judicial system in place. In 1979, the Court of Indian Offenses that existed prior to statehood was re-established after some 70 years of being dormant.

In addition, the FBI and Bureau of Indian Affairs law enforcement was activated to respond



Arvo Mikkanen
Assistant United States Attorney
and
Tribal Liaison



to major crimes occurring within Indian country for prosecution in federal court by the U.S. Attorney's Office.

Over the next 30 years, the Courts of Indian Offenses for a number of tribes were phased out, as tribal courts were established, primarily by tribes that had sufficient judicial funding from their own economic activities.

Of the original four western Oklahoma Courts of Indian Offenses established at Anadarko, Shawnee, Pawnee, and Concho in 1979, only the Anadarko Court remains operational today. Technically, it is the oldest operating court system in the Western half of Oklahoma, pre-existing both the U.S. District Court and Oklahoma state courts by decades.



Dep. Attorney General Cole Speaks at Sovereignty Symposium *(cont. from pg. 1)*

The overarching goal has been not only to improve our own efforts, but also to support the efforts of tribal nations as they develop the institutions and expertise needed to address public safety issues themselves. In these efforts the Department has made significant progress. Today, we are communicating and collaborating with tribal leaders and law enforcement more than ever before. We have expanded training. We have proposed legislation to combat violence against Native women. We have renewed our commitment to environmental justice by redoubled efforts to ensure that all Americans, including the first Americans, enjoy the benefit of a fair and even-handed application of the Nation's environmental laws. This Administration has also resolved longstanding and historical tribal trust claims that for far too long have been a source of tension between the United States government and tribal nations.



The Department has increased direct engagement with tribal leaders in two tangible ways—first, Department officials have convened numerous listening sessions to engage in a shared dialogue with tribal leaders. These sessions not only help us understand the needs of American Indians and Alaska Natives, they also help us find common solutions. But listening is not enough. We also have to do something based on what we hear. And what we heard was that there needs to be respect for tribal sovereignty and Indian self-determination, there needs to be engagement on a government-to-government basis, and there needs to be close coordination and cooperation.

To this end we have designated, in each United States Attorney's Office with Indian country in its jurisdiction, an attorney to be the dedicated liaison with tribal leaders and to work with the tribes and other law enforcement to develop operational plans to enhance public safety and reduce violent crime. As we all know, dealing with public safety issues in Indian country presents a unique set of challenges. Without a firm understanding of those challenges, our efforts cannot be successful. To address this, the Department has launched a national training program to give federal, state, and tribal criminal justice personnel the skills and the tools needed to respond effectively to crime. In March, Oklahoma hosted one of a series of national training courses. The three-day training had 35 class participants representing seven tribes from the surrounding region and one county sheriff's office.

The course, taught by the Department's National Indian Country Training Coordinator and four Assistant United States Attorneys from districts around the country, focused on criminal jurisdiction in Indian country, sexual assault and domestic violence, and the investigation and enforcement of drug and firearm offenses in Indian country. Successful completion of the class allowed participating officers to receive a Special Law Enforcement Commission from the Bureau of Indian Affairs, so that tribal police can investigate and make arrests in federal cases. This is particularly important in states like Oklahoma that have checker-board jurisdiction. These commissions also help build the capacity of tribal law enforcement to keep their communities safe while strengthening federal-tribal partnerships.

The devastating impact of domestic violence cuts sharply and deeply through tribal communities. Rates of violent crime are two times, four times, even ten times what they are in other communities across the country. American Indians are two and a half times more likely to experience sexual assault crimes compared to all other races, and one in three Indian women reports having been raped during her lifetime. This is not only profoundly disturbing, it is totally unacceptable. Episodes of domestic violence do not happen out of nowhere. They typically start small, and when allowed to occur without consequences for the perpetrator, grow more frequent and more violent. Under the current legal framework, tribes lack the authority to prosecute such perpetrators, even if they live on the reservation and are married to a tribal member. But once tribes have developed their own prosecutorial and criminal justice systems, they should have the essential government authority to protect their members, and to stop escalating domestic violence before it is too late.

To address this, the Department has proposed legislation to recognize tribal criminal jurisdiction over non-Indians who commit crimes of domestic violence and dating violence. This proposed legislation would close significant legal gaps and give tribal courts and law enforcement officials the ability to hold non-Indian perpetrators of domestic violence accountable for their crimes. It would also enhance federal penalties for serious crimes of domestic violence. This proposal is part of the reauthorization of the Violence Against Women Act that recently passed the Senate with strong bipartisan support. Many of you in this room contributed to the proposal, which was based on input and formal consultation with tribes. Although the proposal has bipartisan support in both chambers, and we are grateful for the strong leadership of Congressman Cole on this issue, the House recently passed a version of the Act that did not include key provisions of the proposal that would address this critical domestic violence issue. We remain optimistic, however, and urge Congress to adopt a bipartisan measure that includes the tribal proposal and helps stop domestic violence early, before it causes grave harm.

In addition to our efforts to strengthen public safety, the Department has also made environmental justice a priority. Environmental justice is fundamentally about ensuring that all Americans, particularly Americans in economically disadvantaged areas, receive fair treatment under the environmental laws. As a critical part of our work in this area, the Department has been working hard to ensure that tribes have meaningful input into environmental decisions that affect them. The Department—including our Environment Division, Civil Rights Division, and U.S. Attorneys' Offices around the country—has been conducting outreach on environmental and natural resource issues in communities across the country, including tribal communities in Oklahoma, Alaska, Montana, South Dakota, Washington State, New Mexico, and Arizona. When presented with environmental enforcement litigation affecting tribes, we make sure we coordinate whenever possible with those tribes.

As one example, last year, the United States reached agreement with a food processing company, the Orval Kent Food Company, to settle allegations that its Baxter Springs, Kansas facility overloaded the city's wastewater treatment system with millions of gallons of industrial wastewater, at times causing pollution in the Spring River in Kansas and Oklahoma. That river flows through the lands of the Eastern Shawnee Tribe of Oklahoma. As we approached a settlement with the company, we made sure to consult with the Eastern Shawnee Tribe, and through that consultation we were able to include in the settlement a requirement that the company re-stock fish in the Spring River watershed. This important aspect of the settlement quickly and directly addresses the needs of this tribe and shows what can be accomplished through close collaboration.

We have also worked hard to settle longstanding disputes between the United States and Indian tribes. One example is the historic settlement of *Cobell v. Salazar*. That case was one of the largest class actions ever brought against the U.S. government. What began in 1996 saw seven full trials; went up to the Court of Appeals 11 times; and has been the subject of intense, and sometimes difficult, litigation. Working together to resolve these claims has righted historic wrongs, and has turned a new page in the relationship between the United States and tribal governments.

As many of you know, the Department has also recently announced the resolution of more than 40 cases involving historical claims regarding the management of monetary assets and natural resources held in trust by the United States for the benefit of tribes. Concluding settlements for these cases—together

totaling over \$1 billion—has also put an end to years of protracted litigation and strained relations. And, like the Cobell settlement, it marks an important milestone in the government-to-government relationship between the United States and Indian tribes.

In these and many other ways, the Department is fulfilling its trust responsibilities and strengthening its partnership with tribes. These changes are making a difference, and mark a new chapter in the history of our Nation. But with all we have accomplished, we know that there is still much work to be done, and an important tool in accomplishing that work is the institutionalization of the Department's collaboration with tribal governments. We need to make sure that this continues regardless of what administration is in office. This transcends politics. It is about our commitment to safety and equal justice for all of the people in our country's communities.

The institutionalization of this federal-tribal collaboration has already begun. Congress, in enacting the Tribal Law and Order Act of 2010, took a major step forward. The Tribal Law and Order Act brought long-overdue reforms that will over time further empower tribal governments, and strengthen their ability to keep neighborhoods safe and to hold criminals accountable. At the same time, the law places new obligations on the federal government to work in partnership with tribal authorities to address public safety. The Department has embraced those responsibilities. We have established the Office of Tribal Justice as a component of the Department, and established as a permanent position its Director. The Office serves as the principal point of contact for federally recognized tribes, promotes uniformity of Department policies and litigation positions relating to Indian country, and coordinates with other federal agencies and with State and local governments on their initiatives in Indian country.

The Tribal Law and Order Act also codified the position of Native American Issues Coordinator in the Executive Office for United States Attorneys. The permanency of both of these positions within the Department—as well as the addition of appointed tribal liaisons to serve as the U.S. Attorneys' Offices primary point of contact with tribes in their districts—has made and will continue to make real strides in institutionalizing and advancing federal-tribal coordination and communication.

The history of interaction between the government of the United States of America and the governments of the many Indian tribes that have lived on these lands for thousands of years has been troubled. Too many times, there was hostility where there could have been collaboration, there was suspicion where there could have been cooperation, there was a lack of respect where there should have been an appreciation of your sovereignty. The Department of Justice and the Administration know that is not how any members of any community in our country should be treated—and I can tell you that those days and those attitudes are over. Our commitment to you is to work with you, treat you with respect, listen to you, and include you. Not only as a sovereign government, but also as an integral part of the American community. Thank you.

(Deputy Attorney General Cole's remarks were reprinted from the DOJ press release dated June 12, 2012)

U.S. Attorney's Office Hosts Native American Heritage Program for Federal Court Family

On November 16, 2011, the U.S. Attorney's Office hosted the federal Court family of agencies in bringing a special emphasis program honoring Native American Heritage Month. The event included an excerpt from Video "Afterwords With Sally Jenkins" discussing her book *The Real All Americans* which documents the role of Jim Thorpe and the Carlisle Indian School on the game of football. Special guests included Principal Chief George Thurman (Sac & Fox Nation), Bill Thorpe



(the son of Jim Thorpe), Miss Indian Oklahoma Devon Frazier, Jr. Miss Indian Oklahoma Raven Morgan, Nathan Hart (Director of Operations - Jim Thorpe Native American Games 2012), and Lyndee McClellan (Sac & Fox Princess).

Summary of 2011-2012 Significant Press Releases Involving Indian Country

January 4, 2011 - Former Cashier Pleads Guilty to Embezzling Approx. \$60,000 from Treasure Valley Casino. Peggy Dean Baker, 47, from Sulphur, Oklahoma, pled guilty to embezzling approximately \$60,000.00 from the Treasure Island Casino. The embezzlement took place between June 2009 and November 2009 when Baker was employed as a cashier at the Treasure Valley Casino, a gaming establishment of the Chickasaw Nation. On April 6, 2011, Baker was sentenced to serve five years probation and pay \$56,343 in restitution.

April 19, 2011 - Clinton Man to Serve Ten Months in Prison for Conspiring to Steal From Cheyenne and Arapaho Tribes by Staging a Fake Armed Robbery. William Jeffery Brady, Jr., 21, from Clinton, Oklahoma, was sentenced to serve 10 months in federal prison for conspiracy to commit theft from the Cheyenne and Arapaho Tribes by staging a fake armed robbery. The Tribes own the Cheyenne and Arapaho Smoke Shop on Indian land in Clinton, Oklahoma, which sells tobacco products and other items to the public. Brady worked as a security guard for the Smoke Shop. On October 6, 2010, Brady pled guilty to conspiring with another man ("John Doe") to stage a fake armed robbery from the Smoke Shop in December of 2009. Specifically, while working as a security guard on December 8, 2009, Brady intentionally left a Smoke Shop door unlocked so that his co-conspirator could gain entry. Brady admitted that approximately \$42,000 in cash was stolen from the Smoke Shop safe. In addition to the ten-month prison sentence, Brady was ordered to serve three years of supervised release upon his release from prison and pay \$42,140 in restitution to the Tribes.

July 7, 2011 - Norman Man Pleads Guilty to Conspiracy to Purchase and Sell Bald Eagle Carcass and Feathers. William Creepingbear (a/k/a "Stumblingbear"), 50, of Norman, Oklahoma, a member of the Kiowa Tribe, pled guilty to conspiracy to purchase and sell a Bald Eagle carcass and Bald Eagle feathers. Federal law makes it unlawful to possess, transport, or sell migratory birds or their parts – including the Bald Eagle -- to protect them from commercial exploitation and safeguard their continued survival. On November 3, 2011, Creepingbear was sentenced to serve 4 years probation.

NOTE: The public is reminded that an indictment contains accusations and that the defendant is presumed innocent unless and until proven guilty. Reference is made to the indictment and court file for further information. The U.S. Attorney's Office does not issue a press release for every Indian Country case handled by the office. Age of defendant was at time of press release.

2011-2012 Press Releases (cont.)

July 13, 2011 - Tenth Circuit Court of Appeals Affirms Convictions of Two Former Cheyenne-Arapaho Elected Officials. The United States Court of Appeals for the Tenth Circuit upheld the convictions of William F. Blind, Jr. (a/k/a "Bill Blind"), 70, and his wife, Vinita H. Sankey, 62, both from Canton, Oklahoma, who were convicted of multiple counts of conspiracy and embezzlement of funds belonging to the Cheyenne and Arapaho Tribes of Oklahoma ("Tribes"), including net gaming revenues derived from the Lucky Star Casinos. Blind and Sankey were elected to the Tribe's Business Committee as representatives for the Arapaho District One (A-1) in 1998 and served on the Business Committee until 2006. Blind and Sankey also had served as Tribal Tax Commissioners. Blind served for a period as Tribal Chairman and Sankey served for a period as Tribal Secretary. The pair was originally indicted in November of 2008. On February 4, 2010 a jury found Sankey guilty of conspiracy and 19 counts of embezzlement while also finding Blind guilty of conspiracy and 8 counts of embezzlement. At sentencing on June 30, 2010, Blind was ordered to serve 33 months in federal prison and pay restitution in the amount of \$121,373.97 to the Tribes. Sankey was sentenced to serve 41 months in federal prison and pay restitution in the amount of \$193,792.82 to the Tribes. On appeal, both Blind and Sankey separately challenged the sufficiency of the evidence on the embezzlement counts and argued that the district court miscalculated the restitution amount. In separate opinions, the Tenth Circuit Court of Appeals affirmed both convictions of the jury finding that sufficient evidence existed to support the convictions. In addition, the appellate court reversed several items included in the restitution amount and remanded for resentencing as to the restitution amount due to the Cheyenne-Arapaho Tribes.

July 28, 2011 - Attorney General Eric Holder, United States Attorney Sanford C. Coats, and Other Officials Hold Listening Conference with Tribal Leaders in South Dakota. Sanford C. Coats, United States Attorney for the Western District of Oklahoma, joined Attorney General Eric Holder and other administration officials this week as they met with tribal leaders and advocates in the fields of tribal safety and domestic violence in Rapid City, S.D., and Pine Ridge Reservation, S.D. The tribal listening conference coincided with the one year anniversary of President Obama's signing of the Tribal Law and Order Act (TLOA) into law—a measure aimed at helping both tribal governments and the federal government better address the unique public safety challenges facing Native American communities across the country. During this week, U.S. Attorney Coats, Attorney General Eric Holder, Associate Attorney General Thomas J. Perrelli, Assistant Attorney General Ignacia Moreno of the Environment and Natural Resources Division, Department of Interior Bureau of Indian Affairs Secretary Larry Echo Hawk, and 30 other United States Attorneys engaged in a host of conversations, including combating violence against women, protecting tribal lands, honoring traditional Native American values, and training tribal prosecutors and police forces. U.S. Attorney Coats has served on the Native American Issues Subcommittee (NAIS) of the Attorney General's Advisory Committee, advising Attorney General Holder on Indian Country matters since his appointment as United States Attorney.

September 14, 2011 - Justice Department Awards Over \$5.7 Million to Enhance and Support Tribal Justice and Safety in Western Oklahoma. U.S. Attorney Sanford C. Coats announced today that grants totaling over \$5.7 million have been awarded to eight Indian tribes in the Western District of Oklahoma to enhance law enforcement practices and sustain crime prevention and intervention efforts. These grants are designated in eight purpose areas: public safety and community policing; methamphetamine enforcement; justice systems and alcohol and substance abuse; corrections and correctional alternatives; violence against women; elder abuse; juvenile justice; and tribal youth programs. The awards were made to the Absentee Shawnee Tribe, Cheyenne and Arapaho Tribes, Chickasaw Nation, Citizen Potawatomi Nation, Comanche Nation, Iowa Tribe, Ponca Tribe, and Tonkawa Tribe. These awards were made under the Coordinated Tribal Assistance Solicitation, a single application for tribal-specific grant programs offered by DOJ. Overall, the department today announced grants of \$118.4 million to nearly 150 American Indian and Alaskan Native nations across the country.

October 21, 2011 - Former Secretary-Treasurer Pleads Guilty to Embezzlement from Tonkawa Tribe. Dawena Pappan, 39, of Ponca City, Oklahoma, pled guilty to embezzling funds from the Tonkawa Tribe of Oklahoma. Pappan, who is a member of the Tonkawa Tribe, served as the Tribe's Secretary-Treasurer and was a member of the Tribe's Business Committee from mid-1999 through mid-2008. She pled guilty to having worked with other tribal officers from April 2005 through April 2008 to take several hundred thousand dollars of proceeds from the Tribes casino operations for their personal use, rather than legitimate tribal activities. On June 25, 2012, Pappan was sentenced to serve 5 years probation and pay \$589,765 in restitution.

October 24 - Indictment Unsealed Charging Former President of Tonkawa Tribe with Embezzling Tribal Funds. Anthony Street, 47, of Ponca City, Oklahoma, was charged with embezzlement from the Tonkawa Tribe. Street was elected President of the Tonkawa Tribe in April 2005 and served until April 2008. During that same time, Gordon L. Warrior served as the Tribe's elected Vice-President, and Dawena Pappan was elected as the Tribe's Secretary-Treasurer. Together, the three made up the Tribe's Business Committee and handled the Tribe's day-to-day affairs. The Indictment alleges that soon after taking office in 2005, Street, Warrior and Pappan began writing checks to themselves from the Tribe's General Fund for their personal use. The General Fund account included proceeds from the Tribe's casino. These alleged checks from the General Fund were in addition to the salaries paid by the Tribe to the Business Committee members. The Indictment charges Street with one count of conspiring with Warrior and Pappan to embezzle money from the Tribe's General Fund from 2005 through 2008. The Indictment alleges that Street, Warrior, and Pappan together embezzled more than \$500,000 from the General Fund by issuing themselves more than 300 checks while in office.

November 3, 2011 - Former Ponca Tribe Accountant Sentenced for Embezzling from Tribe. Thomasine Arkeketa, 57, from Ponca City, Oklahoma, was sentenced to serve 24 months probation, with 180 days of home detention and electronic monitoring, for embezzling funds from the Ponca Tribe of Oklahoma. In addition, Arkeketa was ordered to pay restitution to the Tribe in the amount of \$27,125.89. Arkeketa was an accountant for the Ponca Tribe of Oklahoma and admitted that on October 25, 2007, she wrote a check to herself in the amount of \$2,500 from the tribal account for her own personal benefit. Arkeketa pled guilty on March 31, 2011.

November 4, 2011 - Court Revokes Supervised release of Tonkawa Man Convicted of Assaulting Girlfriend. The Court revoked the supervised release of Tonner Gene Warrior, 31, from Tonkawa, Oklahoma, who was convicted of assault resulting in serious bodily injury within Indian Country. On October 9, 2008, Warrior, a member of the Tonkawa Tribe, got into an argument with his girlfriend at a residence on Indian land at Fort Oakland Reserve, near Tonkawa. During the altercation he struck her with a baseball bat. On October 21, 2008, Warrior was charged with assault resulting in serious bodily injury within Indian Country. On January 6, 2009, he pled guilty. On May 8, 2009, he was sentenced to serve 37 months in federal prison, followed by two years of supervised release. Warrior began serving his supervised release on July 5, 2011, following his release from prison. While on supervised release, the Court found that on July 7th he consumed alcohol and made inappropriate comments to his probation officer, on August 30th and September 19th he failed to submit a urine specimen as required, on September 12th he tested positive for cocaine use, on September 16th he failed to report to residential substance abuse treatment directed by his probation officer, and on September 15th he failed to report for therapeutic services as directed. As a result, the Judge revoked Warrior's supervised release and ordered him to serve eight months in prison.

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2011-2012 Press Releases (cont.)

November 9, 2011 – Indictment Unsealed Charging Norman Man with Attempted Arson in Indian Country. Raymond Ray Morris, 40, of Norman, Oklahoma, was charged with attempted arson in Indian country. According to the Indictment, on October 16, 2011, Morris attempted to set a mobile home on fire in rural Cleveland County, putting the lives of those present in jeopardy. Morris appeared in Oklahoma City federal court, was ordered detained, with his trial set in January 2012. If convicted, Morris faces up to life in prison. (See Note below)

April 25, 2012 – Former Secretary- Treasurer of Ponca Tribe Sentenced for Embezzlement from Tribe. Cheryl L. Roughface, 50, of Ponca City, Oklahoma, was sentenced to serve 24 months probation, including 180 days of home confinement with electronic monitoring, for embezzlement from the Ponca Tribe of Oklahoma. Roughface was also ordered to serve 104 hours of community service and pay \$19,427.18 in restitution to the Ponca Tribe. Roughface was the Secretary-Treasurer of the Ponca Tribe who on October 25, 2007, wrote a check to herself from the tribal account in the amount of \$2,500 for which there was no authorization or legitimate expense of the Tribe. Roughface pled guilty to the embezzlement in November of last year. In a companion case, the Ponca Tribe's former accountant, Thomasine Arkeketa, who was sentenced last November to serve 24 months probation and pay restitution to the Tribe in the amount of \$27,125.89 for embezzling funds.

May 2, 2012 – Former Employee of Newcastle Gaming Facility Pleads Guilty to Embezzlement. Juanita Marie Stevenson, 26, of Norman, Oklahoma, pled guilty to embezzlement from the Newcastle Gaming Center. According to the court records and the plea proceedings, Stevenson was an employee at the Newcastle Gaming Facility located on Indian land and operated by the Chickasaw Nation. Stevenson admitted that in April and May of 2007 she helped security guards, family, and friends win promotional games that were intended for random drawing. The parties agreed that the financial loss did not exceed \$17,500.00. On August 15, 2012, Stevenson was sentenced to serve three years probation and pay \$15,000 in restitution.

June 4, 2012 - Former President of Tonkawa Tribe Pleads Guilty to Tribal Embezzlement Conspiracy. Anthony L. Street, 48, of Ponca City, Oklahoma, pled guilty to conspiracy to embezzle funds from the Tonkawa Tribe of Oklahoma. Street was the elected President of the Tonkawa Tribe of Oklahoma from April 2005 until April 2008. During that same time, Gordon L. Warrior served as the Tribe's elected Vice-President, and Dawena Pappan was elected as the Tribe's Secretary-Treasurer. Together, the three made up the Tribe's Business Committee and handled the Tribe's day-to-day affairs. On October 18, 2011, a federal grand jury indicted Street for conspiring with Warrior and Pappan to embezzle money from the Tribe from 2005 through 2008. The Indictment alleged that Street, Warrior, and Pappan together embezzled more than \$500,000 from the Tribe's General Fund by issuing themselves more than 300 checks while in office. The Indictment alleged that soon after taking office in 2005, Street, Warrior and Pappan began writing checks to themselves from the Tribe's General Fund for their personal use. The General Fund account included proceeds from the Tribe's casinos. These checks from the General Fund were in addition to the salaries paid by the Tribe to the Business Committee members. The Indictment also charged Street with sixteen counts of tribal embezzlement for checks issued to him from the General Fund. At the plea hearing, Street pled guilty to one count of conspiring to embezzle tribal funds. Street admitted that around May of 2005, he began diverting money from the Tribe with Warrior and Pappan. Street further admitted that over the next three years in office, the Business Committee wrote themselves dozens of checks from the Tribe's General Fund account, and the checks were mostly for their personal benefit.

September 6, 2012 – Former President of Tonkawa Tribe Sentenced to 41 Months in Prison for Conspiracy to embezzle Tribal Funds. Anthony L. Street (referenced above) was sentenced to serve 41 months in prison for a conspiracy to embezzle funds from the Tonkawa Tribe of Oklahoma. In addition, Street was ordered to serve three years of supervised release after his release from prison and pay restitution to the Tribe in the amount of \$794,904.13.

September 24, 2012 – Tonkawa Man to Serve Six Years in Prison for Arson, Burglary and Theft on Indian Lands. Kyle Lynn Enloe, 20, from Tonkawa, Oklahoma, was sentenced to serve 72 months in federal prison for arson, second degree burglary, and theft of personal property within Indian Country. In addition, Enloe was ordered to serve five years of supervised release upon his release from prison and pay \$181,906.56 in restitution. According to the court records and the plea proceedings, on July 5, 2010, on Indian Country near Tonkawa, Oklahoma, Enloe broke into the apartment which was part of a duplex in owned by the Housing Authority of the Tonkawa Tribe, located at the Tribe's Fort Oakland Reserve, east of the City of Tonkawa in Kay County. Enloe stole personal property including gold coins and intentionally set fire to a motorcycle on the front porch. The fire spread and burned the duplex down. A family of five, including 2 small children, in the adjoining side of the duplex was alerted by the smell of smoke and were narrowly able to escape without injury. The duplex and all of the contents were a total loss. Enloe was indicted on February 12, 2012, and pled guilty on May 2, 2012.

October 1, 2012 - Two Plead Guilty in Case Involving Methamphetamine Lab in Indian Country. John Peter McDonald, 35, of Elgin, Oklahoma, pled guilty to manufacturing methamphetamine and Verna Marie Mihecoby, 29, from Fletcher, Oklahoma, pled guilty to maintaining a premises for manufacturing methamphetamine in Comanche County, within Indian country. McDonald and Mihecoby were indicted on July 10, 2012. At their plea hearings, McDonald admitted that he manufactured methamphetamine on April 25, 2012, in Comanche County. Mihecoby admitted that she allowed McDonald to engage in the manufacture of methamphetamine on the property where she resided. At sentencing, McDonald faces up to forty years in federal prison and a 5 million dollar fine. Mihecoby faces up to twenty years in federal prison and a \$500,000 fine.

October 3, 2012 - Carnegie Man Sentenced to Serve 42 Months in Prison for Illegal Possession of Firearms and Ammunition on Indian Land. James Harwood Halberg, 37, was sentenced to serve 42 months in prison for being a prior convicted felon illegally in possession of firearms and ammunition at his home near Carnegie. According to Court records, on June 24, 2009, law enforcement performed a traffic stop involving Halberg.



Halberg admitted that he had a shotgun at his residence. Further investigation revealed that Halberg had previously been convicted of a felony and that he had the following firearms and ammunition illegally in his possession at his home, located approximately one half mile south of the Kiowa Tribal Headquarters on allotted Indian Country trust lands, near Carnegie, in Caddo County: .357 magnum revolver, 22 caliber revolver, 12-gauge shotgun, multiple rounds of ammunition (including .38 caliber, .22 caliber, and .357 caliber bullets in addition to a 12-gauge slug and buckshot round. Halberg pled guilty on August 3, 2011.

NOTE: The public is reminded that an indictment contains accusations and that the defendant is presumed innocent unless and until proven guilty. Reference is made to the indictment and court file for further information. The U.S. Attorney's Office does not issue a press release for every Indian Country case handled by the office. Age of defendant was at time of press release.



Over \$101 Million in Grants to Tribes Through DOJ's Coordinated Tribal Assistance Solicitation Awards

On, September 27, 2012 the Department of Justice announced more than 200 grants to over 110 American Indian and Alaska Native nations providing over \$101 million to enhance law enforcement practices and sustain crime prevention and intervention efforts. The awards are made through the Department's Coordinated Tribal Assistance Solicitation (CTAS), a single application for tribal-specific grant programs to address public safety and community policing; justice systems planning; alcohol and substance abuse; corrections and correctional alternatives; violence against women; elder abuse; juvenile justice; and tribal youth programs. In Oklahoma, tribes received the following grants:

<u>Tribes</u>	<u>Award</u>	<u>Amount</u>
Absentee-Shawnee Tribe of Oklahoma	JSASA - AST Tribal Courts Assistance Program	\$276,822
Cherokee Nation	TYP - "Bright Futures" Tribal Youth Program	\$496,916
Cherokee Nation	TRGP Equipment and Training	\$999,972
Chickasaw Nation	Violence Against Women Tribal Governments Program	\$899,999
Choctaw Nation of Oklahoma	TRGP Equipment and Training	\$845,891
Citizen Potawatomi Nation	JSASA - Citizen Potawatomi Nation	\$571,522
Citizen Potawatomi Nation	Violence Against Women Tribal Governments Program	\$898,472
Eastern Shawnee Tribe of Oklahoma	TRGP Hire	\$330,333
Eastern Shawnee Tribe of Oklahoma	TRGP Equipment and Training	\$673,688
Eastern Shawnee Tribe of Oklahoma	Violence Against Women Tribal Governments Program	\$450,000
Iowa Tribe of Oklahoma	CJAPIC – Children's Justice Act	\$450,000
Iowa Tribe of Oklahoma	CTVAP - Enhancing and Sustaining Comprehensive Victim Assistance Program	\$449,988
Iowa Tribe of Oklahoma	Violence Against Women Tribal Governments Program	\$899,983
Iowa Tribe of Oklahoma	Tribal Sexual Assault Services Program	\$299,875
Kaw Nation	CPDP - Comprehensive Court Planning Project	\$39,759
Pawnee Nation	Violence Against Women Tribal Governments Program	\$900,000
Ponca Tribe of Oklahoma	Tribal Sexual Assault Services Program	\$294,032
Quapaw Tribe of Oklahoma	TRGP Equipment and Training	\$559,296
Quapaw Tribe of Oklahoma	TYP - Quapaw Youth Alcohol and Drug Prevention Program	\$314,719

In addition to the above grants to tribes, a grant totaling \$704,513 was also given to Oklahoma City University as part of the Violence Against Women Tribal Governments Program. For more information regarding the CTAS grants, a fact sheet is available at www.justice.gov/tribal/ctas2012/ctas-factsheet.pdf. To apply for CTAS or other DOJ grants, please visit <http://www.justice.gov/tribal/open-sol>. For other DOJ resources and information please visit DOJ's dedicated Tribal Justice and Safety web site (<http://www.justice.gov/tribal/>) or resources government-wide visit (www.Grants.gov).





AUSA/Tribal Liaison Don Gifford Appointed as Associate Justice of Supreme Court of Iowa Tribe

In August 2012, Assistant U.S. Attorney and Tribal Liaison Robert Don Gifford II was sworn in as Associate Justice of the Supreme Court of the Iowa Tribe of Oklahoma. Gifford, pictured to the right during the ceremony, is an enrolled member of the Cherokee Nation and also serves as chief judge of the Kaw Nation District Court. Gifford also serves as an adjunct professor of law at Oklahoma City University School of Law.



Message from the United States Attorney *(cont. from p. 1)*

States Attorney and Tribal Liaison Arvo Q. Mikkanen received a special award from Oklahoma Supreme Court Justice Yvonne Kauger for his 25 year commitment to the Sovereignty Symposium.

In September 2012 I was fortunate to travel to Bismarck, North Dakota to attend a meeting of the Native American Issues Subcommittee of the Attorney General's Advisory Committee. It was a good, productive meeting that culminated in over ten United States Attorneys from around the Country participating in the

First Grand Entry of the 43rd Annual United Tribes International Pow Wow. The meeting also included several tribal leaders from North Dakota and South Dakota.

Finally, I am pleased to announce that AUSA Arvo Mikkanen received the United States Attorney General's award for distinguished service in Indian Country, an award he formally received in Washington, D.C. on October 17, 2012. This is a fantastic honor that, as we all know, is well-deserved. Congratulations to Arvo for receiving this award and thank you to

him for all the work he has done in Indian Country for so many years.



U.S. Attorney General
Eric Holder and
AUSA Arvo Mikkanen

Reporting Crime in Indian Country

To report crimes in Indian Country, you should call the emergency 911 system and the appropriate tribal or local law enforcement agency. If you are unsure which law enforcement agency to contact, you can report serious crime in Indian Country as follows:

Report Crime in Indian Country



Call Toll Free
1-877-OK-TRIBE
(1-877-658-7423)



Don't let crime go unreported

We're on the web at:
<http://www.justice.gov/usao/okw/>