

Questions unanswered

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Despite the recent public relations effort, the issue surrounding payments made from casino profits by the Coeur d'Alene Tribe really doesn't have a whole lot to do with the tribe.

The issue is whether the state is doing its job.

Even more important, perhaps, is whether mere taxpayers have the right to ask.

After several weeks of digging around this issue the answers are clear: No, the state is not doing its job and not surprisingly the same folks who are not getting the job done, really prefer it if taxpayers would just butt out.

All this started a few weeks ago when this newspaper and the Coeur d'Alene Press reported that local schools had not received payments from the Coeur d'Alene Tribe in more than two years.

The state Lottery Commission, which is charged with ensuring compliance with the law that mandates such payments, assured us the tribe was in compliance. But when pressed for details, the state refused to disclose who was paid. The state claimed the information was secret per the gambling agreement between the state and the tribe.

We don't believe the gambling agreement negotiated in private in 1992 supersedes the state law passed in 2002. We think the records are public.

The fact the tribe rushed a \$210,000 payment to the Plummer/Worley school district after the story broke does raise questions whether the tribe was in compliance as the state claims.

That is, if the tribe had fulfilled its obligation, why the hastily-prepared check?

The story, and the questions it raised, gained traction throughout the state.

The Idaho Falls newspaper filed a request for information about payments made by the Shoshone-Bannock tribes to schools in southeastern Idaho.

Once again, the state refused to disclose the information.

What makes that case especially interesting is the fact sources tell us the Shoshone-Bannock tribes do not believe they owe the payments and in fact have never made the payments. If true, several hundred thousand dollars have not been paid to schools in the Idaho Falls area as required by law.

Yet the state does nothing.

After the story gained more coverage around the state, the Coeur d'Alene Tribe sat down with the Spokane newspaper (which did not cover the story) and laid out the payments made over the last few years. As part of the public relations campaign, the tribe also purchased full-page ads outlining the payments.

The tribe made \$3.3 million in payments in 2010 and 2011. Nobody can question the worthy causes to which the tribe gave.

What can be questioned is whether the payments qualify under the state law.

That is, does the \$218,000 payment to the tribe's own radio station meet the criteria for support of local educational programs and schools on or near the reservation? Does the \$108,000 payment to the tribe's Internet business?

While good questions, it doesn't really matter.

The same state law that mandates the payments stipulates that the disbursement of these funds shall be at the sole direction of the tribe. As far as the state is concerned, the payments qualify because the tribe says they qualify. Of course, it is reasonable to ask what does the state do to ensure the payments are made?

So we did.

The answer is: nothing. The Coeur d'Alene tribe sends a report to the state and the state accepts the report. No checking. No auditing. No verification.

If only the state were so trusting in the matters of other payments. Income, property and sales taxes for instance.

At least three things remain unsettled.

First, if the tribe believed it was in compliance with the law n why did it deliver the big payment to the Plummer/Worley school literally the day after the story broke?

Second, have the Shoshone-Bannock tribes made any payments - ever? Our sources say they have not and the state won't talk. So, if the state won't enforce the law n why would any tribe pay?

Finally, does Lawrence Wasden, Idaho's attorney general, really believe that an agreement negotiated in secret, between a governor and a powerful business that gives thousands in campaign contributions, trumps open records laws?

Really?

Last week Chris Carlson (a columnist for this newspaper) wrote a piece questioning some of the payments made by the tribe. The column was also printed in the Pocatello newspaper.

Chief Allan, chairman of the tribe, wrote a response for the Pocatello newspaper. He did not send it to us (presumably because of the tribal administration's immense dislike for this newspaper). We have re-printed it so Mr. Allan's point of view is available to our readers.

And, while we don't agree with much of what he wrote, he did a good job presenting the tribe's position.

Let the readers decide.

But one thing that we cannot let go unchallenged is the old canard often employed by the tribe.

Mr. Allan does not directly accuse Mr. Carlson of being a racist, but he does manage to employ the words 'hate' and 'hatred' in his response. Their use infers that Mr. Carlson was motivated by something other than legitimate questions about the state's dealings with a powerful business entity when he wrote his piece.

Of course, anyone who knows Chris Carlson understands the ploy for what it is. But the effort to inject racism into the discussion is as tiring as it is ridiculous