

Letter to the Editor:

January 2, 2010 I was sworn in as Governor of the Cheyenne Arapaho Tribes. This position is one I take seriously and with pride. This first 90 days has been, and still is, a “settling-in period” for both my administration and the Legislature as we get our respective houses in order – something we both need to do so that we can swiftly achieve unprecedented progress. We are also in discovery and recovery mode regarding the plight in which the last administration left the Tribes. We face many challenges, but we embrace them – for we are motivated to instill trust and pride back among our People. Many claims and direct attacks have been made through the media. Therefore, these will be addressed so that you can see the false nature of these allegations and help me focus on rebuilding and uniting our Tribes.

When I ran for Governor, part of my campaign promise was transparency in tribal government. Policies to ensure that promise are in the implementation process. I also constructed a 100-day plan upon taking my oath of office which includes the following steps:

1. Enact a valid 2010 budget that will meet the needs of our tribal members
2. With the assistance of an elder commission, revise the Elder Care program so that it is more responsive to our elders
3. Get Executive Department Directors in position and confirmed by the Legislature
4. Have audit completed and results provided to the Tribal Council
5. Have office of Records Management fully functional and providing ALL required documents including financial reports, casino tribal distribution, expenditures and contracts to any member of the Tribes
6. Complete construction plans for Hammon Casino and construction in progress
7. Have Ft. Reno returned to the Cheyenne and Arapaho People
8. Work with the other branches to revise the Gaming Revenue Allocation Plan (including a children’s trust fund as part of a gaming per-capita payment)
9. Investigate Wind Farm opportunities and develop a plan to present to the Legislature

As you can see, we have a lot of goals to accomplish but we are excited about the wonderful changes that will transpire.

As the Governor of the Cheyenne and Arapaho Tribes, I am concerned with the Rule of Law. Respect for the Rule of Law has not always been a cornerstone of this tribal government. Some of the things we presently have to show for that are deep and potentially incapacitating debt, budget overruns, government spending even beyond budget overruns and severely reduced appropriations levels. We need to be concerned about the Rule of Law because our primary concern should be service to the members of the Tribes.

Darrell continually questions whether my administration is following the Constitution. (I believe he does this to divert tribal members' attention away from his misspending.) The 2006 Constitution was essentially established during his administration, and he set his own example of what it means to follow our Constitution. I strongly believe that Darrell was not respecting the Rule of Law. Rather, he relied on a variety of contorted and flimsy interpretations of the Constitution to support his agenda and extreme manner of absolute control. Darrell should have followed both the letter and *the spirit* of our Constitution.

The Constitution is the supreme law of the land. Following it is our established tribal law. Our tribal courts have the authority of judicial review, which allows the judges and justices that we select the freedom to interpret our Constitution. Appointments of judges and justices are made by the Governor. Since judicial review gives the court the last say on what our constitution means, I will be giving very special consideration to upcoming judicial appointments to ensure that we have a *fair and balanced* judicial system. This is one of the long-term objectives of my governorship, and I am committed to the rehabilitation of our court system. I would like to see political influence in the judicial branch diminish to the greatest degree possible, so that future leaders are bound by the *both the letter and the spirit* of our Constitution.

Darrell also alleges that I am placing unqualified tribal members in high positions and letting qualified employees go with no legitimate reason or due process. That is not true. Most Executive Directors were released from service simply because I, as Governor, have the prerogative to bring in my own administration who I feel can best serve tribal members. In so doing, I have a duty to appoint those individuals I feel will best assist me in carrying out my promise to the Tribes. It is undeniable that many of Darrell's Executive Directors were not the best people to assist me in carrying out my agenda, because my agenda is critically distinct from the agenda and the reckless spending they were committed to under Darrell. Neither I nor my Executive Directors

will engage in the manner of leadership or business practices which nearly led the Tribes to financial ruin. More importantly, my administration will not accept any practices that cause either our collective tribal membership or individual tribal members to suffer humiliation, intimidation or retribution. Those days are over.

With regard to the dismissals of other employees, it is important for the public to know that reorganization was necessary and expenditures had to be cut. Much of this is due to the budget shortfall as a direct result of the \$1 million advance Darrell ordered from the casinos in mid-December (\$500,000 each from the Lucky Star Casinos in Concho and Clinton). That money shouldn't have been distributed until January. Much of it was in bonuses – rewards- to Darrell's employees. Advances aren't that uncommon, but when you forget to deduct the advance from distribution it affects casino operations. Those days of 'creative accounting' came to an end along with Darrell's term.

As for Due Process violations – I'd like to see Darrell back up his claims with substance. The rumors that 150 employees have been terminated in my first days are patently false. We have and are continuing to review personnel statistics to determine the exact number of dismissals and whether there have been any due process violations. The exact number of tribal employees that have been separated from employment with the Tribes since November 2009 is 37 – this includes terminations, dismissals, RIFs and resignations. Many were "end of service" RIFs from Darrell's administration and past district legislative offices. The casino released 12 overpaid employees, including Darrell's CEO Erica Whitecloud. Darrell and I have different ideas about what makes an individual "qualified." I disagreed with Darrell's determination that Whitecloud was qualified to serve the Tribes as casino CEO. I felt her position as a beverage server, apparently her only gaming experience prior to becoming CEO, was insufficient. And my instincts were validated by the poor performance of our casinos over the past couple of years. Moreover, since Whitecloud has been replaced, tribal distribution has practically doubled and is continuing to increase.

Though I place the utmost confidence in our staffing decisions, I'd like everyone to be assured that grievances will be afforded. The Personnel Director, top administration staff and the Executive staff attorneys are working very hard to implement a grievance process. Unfortunately, the Supreme Court invalidated the grievance process that was already in place so we have had to develop a process that is consistent with the Supreme Court's interpretation of our Constitution. This will take a

few more weeks, but all employees who were released from their positions will have an opportunity to be heard.

Another result of the extreme financial difficulties Darrell left us, my administration has been forced to cut program benefits until we are out of the red. Adjustments recently had to be made, but we did so without shutting down or eliminating any program. We saw the impact of that sort of “resolution” during Darrell’s administration when the RESPECT program was shut down for two weeks, the many times Elder Care was closed for business, and the period when the Crisis Program was shut down. We are committed to continuing service to tribal members in need and making our budget cuts on the administrative side.

During the auditor’s exit interview regarding the gaming operations of the Casinos, from another professional and independent audit firm, Joseph Eve, their primary concern was the increase of 30% in salaries and expenses under the Flyingman administration have a matching increase in revenue. The firm acknowledged the fact that my administration has already addressed this problem with appropriate actions. The firm’s final report hasn’t been completed yet and is expected to be finished by April 30th. It will be submitted to the executive branch, treasurer’s office and National Indian Gaming Commission.

During another audit, the firm of RSM McGladrey, Pullen & Associates noted 82 findings of non-compliance by Darrell’s management. The current administration and the new Gaming Commission has already responded and corrected those issues and brought the Tribes into compliance with National Indian Gaming Commission (NIGC) federal regulations. The auditors commended us for the changes we made.

Darrell also raised the question whether having the casino vendors pay for the inaugural dance and handgame was an NIGC violation. The NIGC came out in late February ‘chasing rumors.’ They reported they didn’t see anything wrong with casinos sponsoring an inaugural event. But this wasn’t just a Governor Boswell celebration. It included outgoing and incoming administration, Legislators and even Darrell was recognized. He chose not to attend.

He also wrote about a tribal member conducting Cheyenne ceremonies and receiving money from non-natives for his performances which destroys traditions. Have these ceremonies just started in the last 90 days? Darrell is confusing the public with unsubstantiated rumors. One thing he never gave the public is truth, and you shouldn’t expect it from him now. It will be the policy of my administration to look deep into

allegations, research issues and look to the source of information and the facts for substantiation. I know that everyone has taken serious note of the harm and frenzy that is caused by the spread of rumors. I will not condone or otherwise promote this type of unwise conduct because it only contributes to instability. Our government has suffered too much of that, and it is time to focus on making progress instead of holding it up.

Just remember, we too are fighting, and we will continue to fight against greed, crime, lies, jealousy and the desecration of our most sacred beliefs. That's what we've been doing for years.

Darrell claims that Ida Hoffman and I called for a Special Tribal Council meeting in late March. He claims that it's unconstitutional. To Darrell, everything that displeases him is "unconstitutional." I think the tribal members should decide whether they think the proposed resolutions are either good for the Tribes or not, and if they pass, Darrell is encouraged to submit them for judicial review to determine any questions of constitutionality. The fact is neither I nor Ida had anything to do with calling that Special Tribal Council Meeting. The meeting was called by petition of over 200 tribal members. We didn't sponsor it; we didn't ask for it; we didn't participate in deciding what was on the petition. If the resolutions appear to be in support of us, it is only because the petitioners are in support of us.

The Southwest Casino situation is also being mentioned – alleging the siphoning of thousands of dollars from the casino for personal use. According to an independent federal arbitration body to which Darrell appealed, there was an arbitration award against the tribe. Southwest was awarded \$500,000, plus attorney fees of \$986,000, plus interest since September 2009 because Darrell did not pay the judgment. The daily penalty is \$107. The arbitration award to Southwest totaled \$1,666,000 and Darrell got the tribe an arbitration award of \$9,818. We have negotiated a reduced penalty percentage and spread the payment plan with Southwest Casino over a year's time.

Business has certainly suffered for the last few years. But Brian Foster has stepped up to the plate. In the last 90 days, there has been a 25% increase in business and an increase in employee morale and customer services. Attendance among patrons is also up which increases the business arm of the tribe resulting in continuous funding of our programs. In regards to the Asian group scam, an individual was turned over to the FBI and prosecuted. There is no ban on Asians in our casinos. We are also not rehiring criminals. We wouldn't be able to maintain our gaming license if that were so.

Darrell wrote that he is receiving reports and updates on what has been occurring in our tribal government and communities. Does this not show that this new administration in being transparent?

We are also growing and expanding. We broke ground February 22nd on the expansion at the Feather Weather Casino in Canton. We are also looking at expansion sites in Feather Warrior Watonga and Lucky Star Concho. We are looking at the possibility of building a casino at Hammon to increase more revenue and employment opportunities. Whitecloud did not even have the Hammon communities input of the proper location of the casino. There was no respect of our ceremonial or traditional way- it was too close to ceremonial land.

I sincerely hope we can work together in the best interest of all our tribal members. I am trying very hard to establish a supportive team around me. We all want to get things done. As leaders, we need to take our time, be thorough, mindful, and operate under the laws of the Tribes. We should be carrying the Tribes forward, from the ruins of the past four years, toward something better. We should be doing this together, and I am ready to do that.

Very Sincerely,

Governor Janice Prairie Chief-Boswell