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Tribes wade carefully into marijuana discussions

by Felicia Fonseca and Matthew Brown

FLAGSTAFF, Ariz. — The Navajo Nation had bitter debates when it was deciding whether to allow casinos on the reservation and whether alcohol should be sold in them. The arguments focused on the revenue and jobs that casinos and liquor could bring to a community in which half the workforce is unemployed and most arrests and pervasive social ills are linked to alcohol abuse.

When the federal government announced this month that it would allow American Indian tribes to grow and sell marijuana, the same divisive discussions resurfaced. The tribal president's office talked of expanding crops to include pot for medicinal but not recreational use, while a tribal lawmaker quickly declared his opposition.

“Criminal activity is just going to go up more, and drug addiction is going to go up more, and everyone is going to be affected,” said Edmund Yazzie, head of the Navajo Nation Council's Law and Order Committee.

The split reaction among Navajo leaders reflects divisions on reservations around the country. While the Navajo and a number of other tribes ultimately ventured into the casino business, many say they're inclined to avoid marijuana as a potential revenue booster amid deep sensitivity over rampant alcoholism, poverty, crime and joblessness on tribal lands.

Marijuana isn't tied to tribal culture, like tobacco commonly used in religious ceremonies, and any pot-growing operation would run counter to the message that tribes have preached for decades that drugs and alcohol ruin lives, said Carl Artman, former Bureau of Indian Affairs assistant secretary and member of the Oneida Tribe in Wisconsin.

“When you look at what tribes have to offer — from gaming to ecotourism to looking out over the Grand Canyon, just bringing people out on the reservation for art or culture — this is not one of the things they would normally want,” Artman said. “It harks back to something that's archaic and stereotypical as opposed to what the modern-day Indian is about.”

But it has piqued the interest of some of the country's 566 federally recognized tribes, including tribes in Washington state, the Dakotas, Connecticut and Colorado, as well as the Navajo Nation, which stretches into New Mexico, Utah and Arizona.

Lance Morgan, a member of the Winnebago Tribe who manages an Indian law firm in Nebraska, said he has had about a dozen requests from tribes looking for a legal framework for getting into the marijuana business. The overall poverty rate for American Indian and Alaska Natives in 2010 was 28 percent, according to census data, but it can be much greater in individual tribal communities.

"It's something everyone is talking about," he said.

But he said tribes are treading carefully, and he thinks most of them will decide against getting into the marijuana business.

Dave Archambault II, chairman of the Standing Rock Sioux in North and South Dakota, said his tribe might consider cultivating marijuana's non-intoxicating cousin, hemp, but the federal government would have to allow interstate transport for it to be a profitable venture. Hemp is used to make clothing, lotion and other products, but growing it is illegal under federal law.

"We've always thought we had the sovereign right" to grow marijuana, Archambault said. "But once you try to transport it interstate, federal law discourages it."

In Colorado and Washington state, which legalized recreational pot in 2012, some tribes got a head start on talks about marijuana sales.

The 1,100-member Suquamish Tribe near Seattle began considering the potential business opportunities in April. But Washington's liquor board, which regulates pot sales, initially said it wouldn't grant the tribe a license until federal officials clarified their position regarding pot on reservations.

Liquor board spokesman Brian Smith said the state will revisit the issue in light of the Justice Department's new policy.

North of Seattle, the Tulalip Tribe voted to pursue discussions on allowing medical marijuana, tribal spokeswoman Niki Cleary said. The tribe's views have been evolving, she said, noting that even a vote on medical pot would have resulted in an automatic no in the past.

The owner of one of the country's largest resort casinos, the Mohegan Tribe in Connecticut, didn't rule it out, either. Spokesman Chuck Bunnell said the tribe is looking at opportunities to expand into new markets that would not jeopardize any current investments.

While the Justice Department provided a path for tribes to grow and sell marijuana, federal officials cautioned that they won't allow all tribal members to start pot businesses. Montana U.S. Attorney Mike Cotter, who helped craft the agency's policy, said federal law enforcement would respond if a tribal pot industry became linked with organized criminal elements, firearms, sales

to minors or similar abuses — the same federal conditions laid out for states that have legalized the drug.

Among the questions tribes still have regarding the industry is whether limits would be placed on how much marijuana could be grown and sold, whether it can be transported off reservations and if taxes apply.

Yazzie, of the Navajo Nation law enforcement panel, said he would push his colleagues to say no to any marijuana sales or growth on the vast reservation.

He was among the most vocal lawmakers when the Tribal Council was deciding whether to allow alcohol at the tribe's first casino in New Mexico. He questioned his colleagues on whether money was more important than human life, considering most arrests for major incidents on the reservation involve alcohol.

The bill was decided by two votes in 2008 making casinos and a lake marina the only exceptions for alcohol sales and consumption on the otherwise dry reservation. Navajos twice voted against gambling on the reservation before approving it in 2004.

“What is going on?” Yazzie said. “We’re having bad issue problems with alcohol, and now if we legalize marijuana, it’s just another fight.”

— **Associated Press**