

Section

B

FRIDAY

March 8, 2002 **

▶ REGIONAL DIGEST B2 ▶ OBITUARIES B5 ▶ WEATHER B8



Whatever happened ...

Susan and Mario Gollas nearly lost their farm near the town of Freeport. ▶ Story, B2

Effort to lead tribe vetoed

A federal court ruling also boosts an attempt to stop development of a casino in Amador.

By Peter Hecht
BEE STAFF WRITER

A federal judge Thursday rejected a woman's bid to regain control of a tiny Ione Indian tribe and extended an order banning all work on a planned \$150 million gambling complex.

The ruling by U.S. District Judge Frank C. Damrell Jr. was another victory for a West Sacramento medical bookkeeper and mother of three, Rhonda L. Morningstar Pope, who has set out to stop the massive casino development in southern Amador County and affirm her right to organize the tribe.

Pope, 31, asserts she is the only surviving adult descendant of the Buena Vista Rancheria of Me-Wuk Indians, a tribe established by her late great-grandparents, Louie and Annie Oliver, and recognized by the federal government in 1935.

In December, the Bureau of Indian Affairs ruled that Donnamarie Potts — who has been running the Buena Vista Rancheria as tribal chairwoman with her two adult children — was neither a direct descendant of the Olivers, nor entitled to participate in organizing the tribe. The BIA ruled that Pope was the only person currently entitled to represent the Buena Vista Rancheria.

In his ruling, Damrell denied a motion by Potts and her attorneys to overturn the BIA decision and reaffirm her status as leader of the tribe. Damrell, who earlier had issued a 30-day order blocking all work on the casino plan, issued an injunction that bars Potts and developers from building the gambling complex, "desecrat-

▶ IONE, page B4

Ione: Loser of ruling says she was named a 'historical member' of tribe

▶ CONTINUED FROM B1
ing" tribal lands with construction activity or entering into contracts using the 67.5-acre tribe site as collateral.

"This is a huge victory for Ms. Pope," one of her attorneys, Timothy P. Grieve, said Thursday. "We filed a lawsuit trying to get the court to step in and stop the project until the tribal governance issue can be resolved. And that's exactly what the court has done."

If the decision stands, it would deal a crippling blow to plans by Potts and a gaming partnership, Cascade Entertainment LLC, to build the casino resort on remote,

wooded hills near state Highway 88 and Ione.

Potts and her lawyers are filing a separate appeal, asking the BIA to overturn its decision that granted Pope control of the tribe.

"The central issue is with the BIA and we are highly confident that they will take a look at the law and reaffirm that Donnamarie is the rightful chairperson of the tribe," Jean Munoz, a spokeswoman for Potts, said Thursday.

Potts had cared for Louie Oliver's daughter, Lucille Lucero, in her declining years and was named as a "historical member" of the tribe under a constitution approved by the BIA shortly be-

fore Lucero's death in 1995. Potts' lawyers contend her status as a member of the tribe was affirmed at least 31 times by the BIA in correspondence and other official documents.

But Pope said Potts and Oliver knew of her existence and deliberately excluded her when the tribal constitution was approved in 1994 — when gambling interests were looking for Indian gaming opportunities in California.

Pope submitted extensive birth, death and child support records identifying her as the daughter of Jesse Flying Cloud Pope, Louie Oliver's late grandson.

The dispute took an eccentric twist when Potts claimed she was Louie Oliver's granddaughter as the result of an out-of-wedlock affair between Lucero's husband, Donald Lucero, and Oliver's daughter, Elinor Oliver. But Potts' story contradicts birth records, which say she was born in Sutter County to a Maidu Indian father, Leonard Robert Potts, and a Latina mother, Margaret Mary Lucero.

Pope's lawyers pointed out it was "biologically impossible" for Potts to be the child of Elinor Oliver because, based on her birth records, she would have been born just 2½ months before Ol-

iver gave birth to Jesse Pope.

Supporting Potts' claim of blood ties to the tribe, her attorney, Joseph Genshlea, said court decisions have upheld that tribes can choose their members and that she isn't required to be a descendant. Genshlea also argued that Potts had a legal claim to the Buena Vista property because Lucille Lucero deeded three-fourths of the land to her in 1986 and Potts later purchased the other fourth from an Oliver relative.

According to court records, investors and the Potts-led tribe have borrowed \$10 million so far for the casino project and spent \$1.8 million to purchase the right

to operate 1,450 gaming machines under a compact with the state of California.

But Damrell's ruling says Potts has no legal claim to the tribe — and thus can't develop a casino.

"Potts knew her tribal government was subject to question when she entered gaming compacts and obtained licenses," he wrote in his ruling. He said if she doesn't win her appeal before the BIA, "Potts' ability to construct a casino on tribal lands has been abrogated."

□ □ □

The Bee's Peter Hecht can be reached at (530) 295-0627 or phecht@sacbee.com.