

DU ALUMNUS TOM RODGERS SOUGHT JUSTICE FOR FELLOW NATIVE AMERICANS IN ONE OF THE LARGEST SCANDALS WASHINGTON HAD EVER SEEN

LISA MARSHALL | SPECIAL REPORT

EDITOR'S NOTE: In January, 2006, Washington D.C. lobbyist Jack Abramoff pleaded guilty to fraud, tax evasion, and conspiracy to bribe public officials, and admitted to defrauding American Indian tribes out of tens of millions of dollars. His plea (and the more than two years of testimony he has since provided about his powerful Capitol Hill allies) exposed the largest congressional influence peddling scandal in history, led to a dozen indictments, landed one congressman in jail, and precipitated a sweeping ethics reform bill. A new light on the practice of lobbyists buying favors from politicians, and some say D.C. will never be the same. But little is known about just how Abramoff was exposed, and by whom. In fact, it was a small group of Native Americans – including DU Law graduate Tom Rodgers (JD'86, LLM'88) – who worked behind the scenes for years to help bring Abramoff and his circle of co-conspirators to justice. This is their story.

Tom Rodgers had just flipped on an early-morning ESPN recap of a Pittsburgh Steelers game when – at 1 a.m. on a January day in 2003 – the Washington D.C. lobbyist and DU Law graduate got a phone call that would forever change his life.

“Tom, I was told I could trust you,” said the voice on the other end.

A fellow Native American named Bernie Sprague then told Rodgers that he believed his tribe, the Saginaw Chippewa of Mount Pleasant, Mich., was being overcharged millions of dollars by a lobbyist named Jack Abramoff. Anyone who questioned whether it was a good use of the tribe’s money, was quickly rebuked by Abramoff supporters. Could Rodgers help?

“That was the tipping point,” says Rodgers, a 47-year-old member of the Blackfoot tribe. “What was happening was morally wrong.”

In the years that followed, Rodgers quietly teamed up with members of the Saginaw-Chippewa tribe and the Coushatta tribe of Louisiana, amassing a mound of confidential documents and other incriminating evidence that – when leaked to the media – would ultimately pave the way for Abramoff’s downfall. Operating in what he calls “a post-Sept. 11 climate of fear,” where conservative influence reined in D.C. and detractors kept their opinions to themselves, Rodgers worked late at night, for no pay, from his Alexandria, Va. home office, and told



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only his closest friends and family members what he was up to. In a sense, some associates say, he was the “Deep Throat” of the D.C. lobbying scandal.

“He was our Washington insider,” says David Sickey, vice chairman of the Cushatta tribe of Louisiana. “We used him to infiltrate the D.C. scene and help us direct fire.”

Now, with Abramoff’s final sentencing anticipated in September, and a new documentary – “Casino Jack and the United States of Money” – due to hit the big screen by year’s end, Rodgers is speaking out.

“I think it’s important that the Native American story be told,” says Rodgers, who helped in the making of the film, and is featured in it. “It was the Indians who exposed these guys. We did it when it was happening – not waiting until after the fact – and we did it for no money.”

EARLY SUSPICIONS : 2000 TO 2002

As early as 2000, Rodgers – an Indian Affairs lobbyist himself – began to grow suspicious of Abramoff.

A self-described news junkie, Rodgers began to notice a flurry of glowing media reports painting Abramoff as the “man to see on The Hill,” particularly for Native American issues. Republicans controlled the House, the Senate, and the White House. To tribes interested in opening or expanding casinos, bringing other economic development

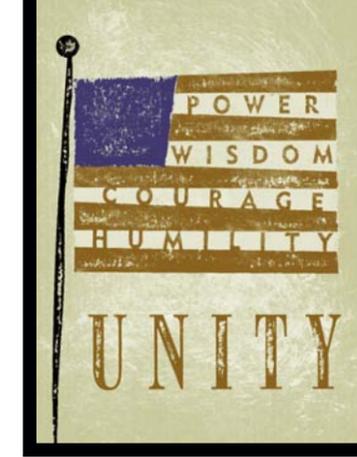
to their lands, or forestalling perceived legislative threats, Abramoff’s close alliances with high-powered conservatives, such as Tom DeLay (R-Tex) and Robert Ney (R-Ohio) were seen as a great asset in the world of Capitol Hill string-pulling. Abramoff was known to lavish lawmakers with high-priced meals, luxury golf trips, and campaign contributions to get results and mostly access for the newly casino-rich tribes he worked for.

But word was also getting around that Abramoff was billing “off-the-charts” amounts to those tribes.

“He was charging \$10 [million] to \$20 million a year for his services,” says Rodgers.

There were also news reports of shady business dealings and mob ties surrounding SunCruz Casinos, a fleet of Florida boats Abramoff had invested in. Its founder had been murdered, gangland style, after selling the business. (Abramoff would later be indicted on five counts of wire fraud and one count of conspiracy related to SunCruz).

And there were a few largely unnoticed press reports that Abramoff had worked on behalf of the South African apartheid government and for Angolan



ABRAMOFF WAS CHARGING \$10-\$20 MILLION A YEAR FOR HIS SERVICES... AND STRONG-ARMING THE TRIBES INTO DONATING TENS OF THOUSANDS TO WIN FAVORS IN WASHINGTON.

rebel leader, Jonas Savimbi.

“I started stringing the pearls together,” says Rodgers, who began keeping a file on Abramoff.

Rodgers later learned that not only were tribes being charged remarkably high amounts for Abramoff’s services, and those of his associate Michael Scanlon (a former DeLay press aide who was billing tribes millions for public relations work and splitting it with Abramoff), but they were also being strong-armed and misled into donating to certain charities as a way to win favors in Washington.

For instance, the Alabama Coushatta tribe was encouraged to donate \$50,000 to a nonprofit called the Capital Athletic Foundation. When Rodgers researched the foundation – ostensibly set up to offer inner-city kids access to organized sports – he discovered CAF’s board of directors was composed of none other than Abramoff and his wife, Pam. The Washington Post would later report that the foundation, which received tens of thousands of dollars from Native American tribes, funded a sniper school for Israelis in the West Bank, a golf trip to Scotland for congressmen and the Jewish religious academy that Abramoff’s kids attended.

THE TRICKSTER



MORE PEARLS, AND AN EARLY MORNING PHONE CALL: 2002 TO 2003

By 2002, rifts had begun to form, not only between different tribes with competing economic interests, but also within tribes: Some factions firmly believed Abramoff was worth the money, helping tribes gain a reputation as serious players in D.C. and helping them secure funding for much-needed projects. (One Saginaw Chippewa tribal council lauded Abramoff's services, telling the Associated Press that the tribe gained \$8.6 million in projects in one year as a result of its relationship with the lobbyist.) Meanwhile, others decried the fact that healthcare and education funds were being tapped to pay for lobbying and public relations.

"It was a classic divide and conquer scenario," says Rodgers, who believes Abramoff exaggerated legislative threats to the tribes so that his work fighting those threats would seem more valuable. "He played upon their fears."

In November, 2002, Rodgers got a call from Monica Quigley, an old friend and a former attorney for the Saginaw Chippewa tribe. Quigley says she was fired from her position with the tribe after questioning Abramoff's integrity, and that when Bernie Sprague, a tribal council member at the time, did the same, he was threatened with legal action.

"I called Tom because I have the utmost faith in him in terms of integrity. I thought he might be able to help us and I knew I didn't have any money to pay him," says Quigley, who alerted Tom that he would soon be getting a call from Sprague.

During that 1 a.m. phone conversation with Sprague, Rodgers learned that the tribe had been sending \$2 million checks to Scanlon's Capitol Campaign Strategies at 611 Pennsylvania Avenue, SE, Mailbox 375.

"I said, 'Bernie. There is nothing up there but gas stations, bars and nail salons. I'm going to drive up

and see where you are sending your money,' " recalls Rodgers. As it turned out, it was a Mailboxes Etc. box. "They thought they were sending their money to a reputable firm, but they were really sending it to a side business that they had set up...We were building a record."

Initially, Rodgers and the tribal leaders contacted the federal government to ask for help. "We wrote letters to the Department of Interior but were told it was an internal matter, and they couldn't get involved," says Rodgers. (Former Deputy Interior Secretary J. Steven Griles, an associate of Abramoff's, would later plead guilty to obstruction of justice in the case).

With no government help on the way, Rodgers and his allies turned to Plan B: Leak it to the press. **HUNGRY REPORTERS AND MORE ANGRY TRIBES: 2003 TO 2005**

Meanwhile, Mark Ranzenberger had already begun to do his own sleuthing.

The 52-year-old *Mount Pleasant Morning Sun* reporter had begun to hear rumblings of trouble on the Saginaw Chippewa reservation, and that the tribe was spending "massive amounts of money on lobbying." The understaffed, 12,000-circulation paper didn't even have a website, but Ranzenberger dug in, conducting his own online investigation of Abramoff.

Soon Ranzenberger got a call from a source (Rodgers says it was Sprague), and the piles of documents began to change hands. "The Saginaw



"WE HAD NO IDEA WHAT WE HAD STEPPED IN."

-Mark Ranzenberger

Chippewas were spending way more on lobbying than companies like Merck," says Ranzenberger.

Before his first story even hit the paper, the backlash had begun: Sprague was thrown off the tribal council, tribal members were warned not to talk to the press, and the *Mount Pleasant Morning Sun* was banned from the reservation.

"We couldn't sell the newspapers. They pulled their advertising from us," says Ranzenberger. On April 20, 2003, Ranzenberger's byline appeared on a front page story with the headline "Lobbyist has powerful connections," – in essence, the first story to bring the Abramoff – Indian Affairs story to light. A chart accompanying the story drew lines between Abramoff, then-House

Majority Leader DeLay, then-Christian Coalition leader Ralph Reed, and lobbyist Tony Rudy. Within a few years, Rudy would plead guilty to one charge of conspiracy in the Abramoff case, DeLay would be indicted in a separate campaign finance scandal in Texas, and Reed would be fighting for his reputation.

"We had no idea what we had stepped in," says Ranzenberger.

One month later, Sickey, then a newly-elected tribal council member for the Coushatta tribe of Louisiana, called Rodgers to tell him what had now become a familiar story to him.

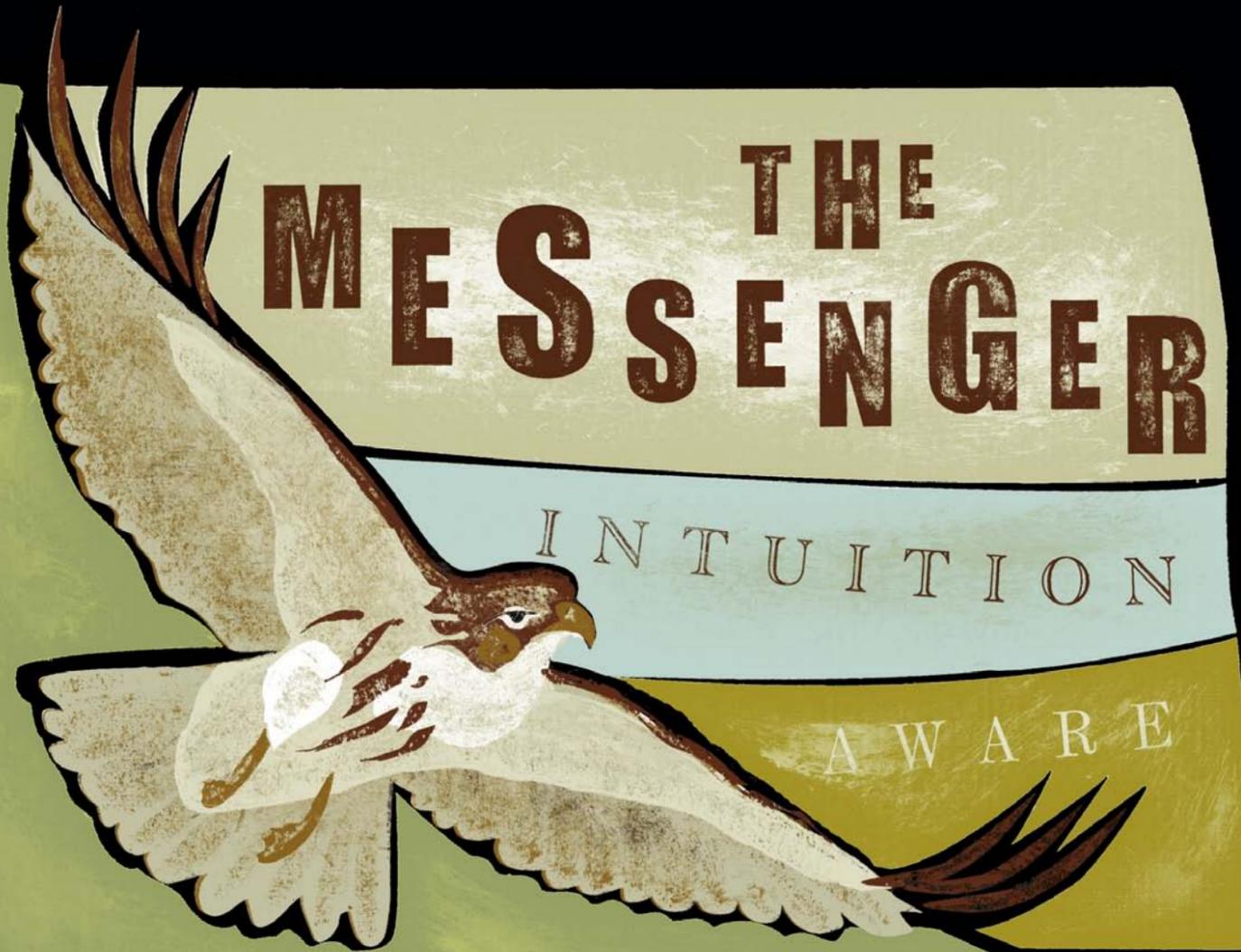
"Our tribe had spent well over \$25 million up to that point," says Sickey. "What really was a red flag to us was that even when nothing was going on, when there really was no need for their services, we



THE MESSENGER

INTUITION

AWARE



were still getting bills.” Sickey said health care, education, and housing money was being tapped to foot the bill. For an 820-member tribe living on 1,200 acres in Louisiana, the budget shortfall was hitting hard.

That summer, after months of working with Rodgers to gather documents, Sickey did what his counterparts in Michigan had done a few months earlier. He took his stack of papers, neatly organized them, and phoned the local media. By fall, Abramoff’s name was all over the pages of the *Lake Charles American Press* and *Alexandria Town Talk*.

Meanwhile, Rodgers was putting together 14 more press packets, sent in plain white envelopes with no return address, to major newspapers

around the country. One of them would land on the desk of Susan Schmidt at the *The Washington Post*. She would publish her first story about Abramoff on Feb. 22, 2004, and ultimately, she’d win a Pulitzer Prize for her coverage of the scandal surrounding him.

Three days after Schmidt’s story broke, Sen. John McCain (R-Ariz) launched an investigation into why four American Indian tribes were charged at least \$45 million by Abramoff and Scanlon.

On Aug. 11, 2005, Abramoff was arrested.

FALLOUT

Today, as Rodgers puts it, “The dominoes are still falling.”

At the time of this writing, Abramoff is expected

to be sentenced in September, Ney is in jail, Scanlon and Rudy await sentencing, and the reputations of countless Abramoff associates on Capitol Hill have been forever tarnished. Ethics reform is a priority in the halls of Congress and on the presidential and congressional campaign trails. And on the reservations, the tribal rifts have begun to heal.

“We’ve learned a lesson - that every penny in the tribal coffers should be accounted for, and that we should be very wary of non-Indian opportunists preying on the tribe’s resources,” says Sickey.

But Rodgers is certainly not without enemies. And Abramoff is not without supporters.

“I have been told point-blank by more than one person that the only reason (the investigation) went after Abramoff was because he was helping brown people,” says Ranzenberger, who still works for the *Morning Sun*.

Rodgers himself concedes that some will suspect he had ulterior motives. After all, Abramoff was a successful Indian Affairs lobbyist (like him) in a fiercely competitive business. However Rodgers points out that he never took a dime from the tribes he helped. Something far more powerful than greed motivated him, he says. It was rage.

“My people were being abused, stolen from, and degraded. You can’t turn away from that. We just saw something that was wrong and called it wrong. We all have it in us.”



If you searched the country for Native American attorneys in 1967, you would come up with just 25 who were practicing law and 15 studying it, according to the New Mexico-based American Indian Law Center. Only a handful of law schools offered courses in Indian law at all, and none hosted full-fledged Indian law programs.

But fast forward 30 years and the specialty is growing. As tribes experience newfound wealth from casinos and increased pressure from outsiders interested in natural resources on their lands, the need for trustworthy counsel familiar with the unique intricacies of Indian law is stronger than ever, experts say, and the University of Denver and other schools are striving to help fill the gap.

“Over the past one or two decades, because of the proliferation of gaming, people have begun to realize that there is a separate body of law that



(l-r) David Sickey, current vice chairman of the Coushatta tribe of Louisiana; Bernie Sprague, former tribal counsel member of the Saginaw Chippewa of Michigan; Tom Rodgers; Monica Quigley, former in-house counsel for the Saginaw Chippewa.

To Native Americans, the hawk often represents the noble messenger of the gods. His cry is a warning to look at your surroundings, heighten your awareness, pay attention, use your powers of perception, beware of those around you and examine your situation from a higher perspective. In his circling he sees the overall view and no detail slips by him unnoticed.



deals with these issues,” says DU’s Associate Dean of Administration Forrest Stanford, who has taught Indian law at DU since 1999.

Since his arrival, Stanford (a member of the Eastern Cherokee Nation) has made a concerted effort to recruit more tribal members by visiting reservations, meeting with tribal leaders, boosting DU’s course offerings from just one Indian law class to six and striving to create an environment that supports Native American students when they get here.

“You cannot just attract students with money,” Stanford says, noting that unlike some law schools, DU does not use free tuition or full-ride scholarships as a recruiting tool for Native American students. “You need to build a sense of community where there is tutorial help; academic assistance; programs with attorneys, judges and law firms in the area; and a nice circle of support. Otherwise, you are just setting them up to fail.”

Thus far, such efforts are paying off.

According to the American Indian Law Center, there are now more than 3,000 Native American lawyers nationwide, and Stanford estimates 300 to 400 tribal members enter law school each year.

DU alone has boosted its number of Native American students from just eight (representing less than 1 percent of the student population) a decade ago to 34 (representing 3 percent of students) in 2007. Stanford estimates that anywhere between 10 and 20 Native American students matriculate into the law school each year. The DU chapter of the Native

American Law Students Association is also a tightknit and active one. And thanks to a grant from the Southern Ute tribe, DU will host a conference on Native American issues in the spring of 2009.

Martina Gauthier, a member of the Menominee tribe of Wisconsin who earned her jurisdoctorate from DU in May, says she originally chose DU Law School because it offered night classes and that allowed her to work full time during the day. However, she was particularly impressed by the professors in Indian Law and Advanced Indian Law, who taught her things she believes she never would have learned in a standard law curriculum. With that unique background, she sees ample possibilities in her future.

“It’s a viable field of law and it’s growing,” she says, predicting that as more companies seek to pursue energy exploration on Native American land, more tribes will be clamoring for attorneys schooled in Indian law. “It feels like a huge tidal wave of opportunity out there.”

Stanford says he would ultimately like to see a formal Indian law program, perhaps with its own certification, established and recognized by the faculty at DU.

But even now, he says, the school has something to be proud of.

“When you have only 300 or 400 Native Americans nationwide matriculating into law schools each year, for us to be bringing in 10 to 20 each year is a major accomplishment.”



DU LAW MAGAZINE RECENTLY SAT DOWN FOR AN INTERVIEW WITH TOM RODGERS

A member of the Blackfoot Indian tribe of Montana who now serves as a lobbyist specializing in tribal affairs. Rodgers earned an undergraduate degree at the University of Denver in 1983, graduated from DU Law in 1986 and got a graduate degree in taxation from DU Law in 1988. After years of practicing tax law, he founded his own company, Carlyle Consulting.

Q: Tell us about your childhood. **A:** I grew up in Glasgow, a small farming community of about 2,000 people on the Great Plains of Montana. There was an incredible sense of space, with blue sky and wheat fields for 100 miles in each direction. My mother is French Indian, from nearby Browning, Mont. (on the Blackfoot Indian reservation). My father is Irish. My parents had to leave the reservation when they were in their early 20s to make a living. He managed a gas station. She was a janitor at a local hotel. They had five children living on a busy U.S. highway.

Q: Did you spend much time on the reservation, and what was it like? **A:** I spent summers on the Blackfoot reservation, cleaning cattle guards and fixing fences and riding horses on my grandfather’s ranch. I had a blessed childhood.

Q: What other jobs did you do? **A:** I started working at age 9, washing windows at my father’s gas station. If you pulled up, I would come out with my 5-gallon pail and flip it over and stand on it so I could reach the center of the windshield. People would drive up with plates that said New York or Florida, and I’d ask, “What’s it like there?” I knew I wanted to get somewhere bigger than Montana. Later on, I worked as a janitor, a bartender, a concrete finisher, a clothes salesman, a landscaper. I also installed septic tanks on a reservation. I’d stand in a hole 12 feet deep and 4 feet wide and have gravel dumped on me all day. It was great practice for working in D.C.

Q: How did your exposure to the reservation shape your world view? **A:** I was struck, even as a child, by the extreme poverty there and the lack of concern by people who lived off the reservation. My mother is a phenomenally empathetic person. And my dad has an incredible work ethic. They instilled in all of us a sense of “Work work work. Get your education and live better than we did.”

Q: When did you know you wanted to go to law school? **A:** I really didn’t. I just knew I wanted to see more of the world, and education allowed me a way out. From there, I found myself gravitating toward my passion. Now, I have married my passion with my job: to advocate for people I know well and grew up with.

Q: Who at DU had the greatest impact on you? **A:** Mark Vogel, a tax law professor, was a phenomenal teacher. In something as seemingly mundane and antiseptic as tax law, he allowed me to get to a platform of values and ethics. I will always be thankful for that.

Q: Why tell your story about your involvement in the Jack Abramoff scandal now? **A:** I think it’s important that the Native American story be told. It was the Indians who exposed these guys. Students at DU, particularly those who are Native American, should be extremely proud that their fellow tribal members did something to change things.