

LEGACY

Breaking Jack Abramoff

By Jerry Reynolds
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WASHINGTON – Jack Abramoff appeared for his sentencing Sept. 4 as a self-described “broken man,” and withholding human sympathy was not an option.

Bernie Sprague of the Saginaw Chippewa arguing in court for an extended jail stay, offered his sympathy for Abramoff’s family. David Sickey of the Louisiana Coushatta said after the court session that Abramoff certainly appeared contrite – probably an understatement. Tom Rodgers, a Blackfeet lobbyist with Carlyle Consulting, said afterward, “I feel terribly bad for his children.”

Abramoff also focused on his family, referencing for U.S. District Judge Ellen Segal Huvelle a wide range of domestic traumas that he described more fully in a Sept. 2 letter to the court. Among them: “My mother had to spend her last days without me, and that guilt and shame will be with me forever.” According to Abramoff’s attorney, Abbe Lowell, he was in jail when she died.

But as he beseeched Huvelle for a minimum prison stay under the guiding federal law, in what he regarded as his future life’s defining moment, Abramoff didn’t mention Indians, American Indians, Native Americans or tribes. Likewise in his letter to Huvelle, though there he no doubt meant to include them as clients: “I lied to clients, even while working to get them the results they expected.”

But sometimes too, he worked against the results they expected.

For Rodgers, the absence of any Indian-specific reference in Abramoff’s mea culpa was a reminder of the criminal ex-lobbyist’s arrogant, encompassing power when he was on top of the Washington world. As a “movement Republican,” with connections that

spread from Capitol Hill to the White House and “K Street” lobbying shops like a trawl line as he fished for influence, Abramoff gutted not only his catch but those who dared to cross him. He spent tens of millions of dollars (most of it in tribal “fees” for services that were non-existent, though he also rendered significant service to some client tribes) in bribes, gifts, fees and donations among lawmakers and their staff, nonprofit leaders, and federal agency officials who could help his clients and his causes.

“This is an excellent story!

Very informative. Very sad in many ways but truth prevails.

Thank you for your hard work. You have always had my respect and admiration for the good work you do for so many.”

- Dirk Charley, Dunlap Band of Mono Indians

By reputation, he had real influence with Republican former House Majority Leader Tom DeLay. A former staff member of DeLay’s has gone to jail in the Abramoff scandal. A Justice Department investigation goes on, Lowell said in court, adding that Abramoff’s cooperation with prosecutors has contributed to 13 successful indictments. The DoJ has since indicted lobbyist Kevin Ring Jr., a former colleague of Abramoff’s at the Greenberg Traurig law firm.

American Indians and a non-Indian woman broke Abramoff – Rodgers, Sprague, Sickey and Monica Lubiarez-Quigley. “We did that in an environment that was suffocating with fear,” Rodgers said. They couldn’t trust Congress, the White House or the Supreme Court,



let alone the K Street lobbying community. The Interior Department considered Abramoff's corrupt practices under the rubric of "an internal tribal matter," Rodgers said, until one of its own, J. Steven Giles, came under investigation (he eventually went to jail). Rodgers' attorney, Philip H. Hilder in Houston, noted that even the DoJ had been politicized during the Abramoff years, though he withheld judgment as to whether politics had any bearing on the DoJ's Abramoff investigations. More will be known when the department finishes its investigation, Hilder said.

Rodgers hired Hilder because he would need a guide through the legal and political minefield that might lay in wait. Hilder had represented Sherron Watkins, the whistle-blower in the Enron bankruptcy and corporate corruption case. Rodgers was never exposed to legal liability, never brought before a committee of Congress over Abramoff. But he knew that in Washington in those years, up was down and down was up. After the terrorist attacks of Sept. 11, 2001, the attitude had come to be that questioning the government was unpatriotic; the government, by contrast, would question everything and everyone, especially a lobbyist who could be cast as an Abramoff competitor.

"It really took guts for Tom to do that," Hilder said outside the courtroom Sept. 4. "I represented some of the Enron whistle-blowers, and I have to tell you that it's really hard to step out like that."

Rodgers, a law-trained lobbyist with a master's degree in tax law and a stint as staff with the Senate Finance Committee in his background, had built up his own business, Carlyle Consulting. He could see it going right down the drain if Abramoff and his minions trained their retaliation on him. Friends in Washington told him, "Don't do this. They will ruin you. They will take everything from you, even your good name."

In the free market spirit of the times, "I was told numerous times, and this is true, that this is just capitalism. 'Jack should be able to charge whatever he wants' [in fees]. This city, Washington, forgot the critical difference between could and should" – between what people in power can get away with, and what they ought to do.

But Rodgers knew the numbers and what to make of them. "These numbers were so large, they were United States Chamber of Commerce numbers. ... I knew the benchmarks. The average retainer [fee] is \$10,000 a month." Abramoff was charging client tribes

many, many times that, as well as directing separate donations to nonprofit outfits he controlled.

As Rodgers warned an Abramoff collaborator in July of 2000, "You and I could work 24/7, and there could be 20 or 30 of us, or 50 of us, and we couldn't justify those fees."

For Sprague, Sickey and Lubiarcz-Quigley, threats and intimidation came not only from Abramoff and company, but from their own tribal citizens. Sprague got removed from office for exposing the millions of dollars in fees his tribe paid Abramoff without so much as a contract review upon renewal. As he informed the twice-convicted felon in court, his criminality spelled trouble for more families than his own. And many Indian children won't get the education and other advantages they could have had, for lack of the millions of dollars Abramoff stole, he added.

Lubiarcz-Quigley (not in the courtroom Sept. 4) first contacted Rodgers for the Saginaw Chippewa in November 2002. She was the in-house attorney for the tribe until Abramoff got her fired.

From July 2000 through March 2004, the only people the four could trust when it came to Abramoff were one another, a few others and the media, Rodgers said. Though they wouldn't all meet one another in person for a couple of years, they came with recommendations from a few good people and found they could work over the telephone, building a case against Abramoff and leaking stories to local media until the national media couldn't avoid taking them seriously.

Meanwhile, they had to keep their information out of the spotlight in Republican-dominated Washington, where it could only have been misinterpreted, Rodgers said.

"These [Abramoff client tribes] were people who were in need, and being defrauded, and being abused. And you couldn't walk away from that. You could not, and you should not, walk away from them in their hour of need. ... It was a total team effort."

It began, as many great revelations do for that matter, as a small-potatoes news item. Through Carlyle Consulting, Rodgers routinely employs research



assistants to track threats to Indian country that surface in the media. Abramoff surfaced in July 2000, in a Wall Street Journal article by Jim Van DeHei. From there, reports on him began to reveal an intensifying pattern of activities, all in the lucrative field of Indian gaming. Miami Herald reporter Cynthia Corzo named Abramoff in a story on one SunCruz Casino boat, the source of an eventual felony conviction against Abramoff for wire fraud in Florida; at the time, Rodgers thought in terms of a conflict of interest – Indian gaming lobbyist buys non-Indian casino. But within a year, several Miami Herald reporters had raised the prospect of mob ties to SunCruz, whose first owner was murdered gangland-style.

“This is so great. What a story.

Your humility and willingness to take such great risks are a true measure of your character.”

- John McCarthy, Executive Director Minnesota Indian Gaming Association

Abramoff was cleared of any complicity, but in the interim Rodgers and his researchers had turned up information linking Abramoff to the South Africa intelligence services and Jonas Savimbi’s Angola (in both cases, he said, Abramoff appears to have sold an anti-Communist argument).

The press continued to publish stories linking Abramoff and Indian casinos, and Rodgers continued to archive them. In July 2002, he met with Kevin Battise, chairman of a client tribe, the Alabama Coushatta of Texas. Battise didn’t feel right about a \$50,000 donation the tribe had been directed to make by its lobbyist. It turned out that the donation had gone to an Abramoff-controlled nonprofit organization, and that Abramoff was the tribe’s other lobbyist. (He would later disparage Rodgers as the tribe’s “federal” lobbyist.)

Things moved more quickly after that. Lubarz-Quigley contacted Rodgers about helping the Saginaw Chippewa in their ordeal with Abramoff, and he and Sprague hooked up after that.

Through its cousin tribe in Texas, the Louisiana Coushatta informed Rodgers of what Abramoff was doing to their tribe.

Always Rodgers knew that he could not be the messenger; he would be seen in some quarters as simply trying to undermine Abramoff, a “competing” lobbyist. But by sharing information, he, Liubarz-Quigley and Sprague at Saginaw Chippewa, and former Chairman Ernest Sickey and son David of the Louisiana Coushatta, continued to build their case and recruit local reporters: Mark Ranzenberger of the Mount Pleasant (Mich.) Morning Sun, Shawn Martin of the Lake Charles (La.) American Press, and others.

“Bless their hearts,” Rodgers said – “hungry local reporters” who wouldn’t let the story go.

After a last mass mailing of information packets, the team felt the national media might “get it” despite the Republican establishment in Washington. Based on a 1997 article Rodgers had archived, on lobbying abuses involving the Cheyenne-Arapaho of Oklahoma, Sprague and Sickey approached Susan Schmidt at the Washington Post. Rodgers hand-delivered additional background materials to Schmidt in October of 2003, and four months later her articles made Abramoff the national namesake for political corruption.

Shortly afterward, Rodgers approached Pablo Carillo, on Sen. John McCain’s staff with the Senate Indian Affairs Committee, offering American Indian assistance in a congressional investigation. Former Sen. Ben Nighthorse Campbell, the only Indian in the Senate, chaired the committee; but McCain ended up chairing the Abramoff hearings. “McCain was more aggressive in this area,” Rodgers said. “He wanted to take it on.” Once Abramoff entered a guilty plea, Liubarz-Quigley and Rick Hill, chairman from 1993 through 2001 of the National Indian Gaming Association, wrote letters confirming his indispensable role in exposing Abramoff.

“Without your efforts, tribes might still be paying to actually have someone work against their interests,” Hill wrote – one of Abramoff’s signature scams being to support tribal gaming interests on one hand while orchestrating campaigns against them with the other, and getting paid for the work of each.



Lubiarz-Quigley expressed a special gratitude for Rodgers' willingness to work without pay. "After having been approached by some of the members of the [Saginaw Chippewa] Tribe with significant concerns regarding ... Mr. Abramoff, I turned to you for help," she wrote. "You will never know how relieved I was when you agreed. You didn't ask for compensation, you didn't hesitate, you simply said, yes. You were the only person who would help."

As Rodgers explained it, money may have been the measure of Abramoff's world, but never of his. "Those tribes gave a gift to me," said the confessed lover of poetry (a quote from Kipling is coming up). "When you're a young man, you hope and you pray that you will do the right thing when you are called on to do the right thing, and that when fate calls on you to perform a task you will not 'shame the day.'"

Besides, there are other rewards. He'll figure in a forthcoming documentary film, "Casino Jack and the United States of Money," by Oscar-winning director Alex Gibney of "Taxi to the Dark Side" fame. It will premiere in January 2009 at the Sundance Film Festival if all goes well, Rodgers said. Gibney confirmed that it will be finished over the winter.

As for Indian country generally, Rodgers ruled out any head-hanging over Abramoff and company. To the contrary, "Indians should be extremely proud. ... Indians exposed the greatest congressional scandal of the last 100 years. Exposure of the Abramoff scandal led to an exchange of power in the United States Senate" – from majority-Republican control to majority-Democratic control, a changeover achieved precisely when Sen. Jon Tester of Montana defeated incumbent Republican Conrad Burns by 2,682 votes.

Burns had been tainted by association with Abramoff, and even White House adviser Karl Rove conceded that corruption was the GOP's undoing.

Without the Democratic majority in 2006, Rodgers added, there would have been no congressional hearings on the torture at Abu Ghraib, no inquiries into the politicized firing of attorneys, no sweeping ethics reform, and no telling where the corruption would end.

Rodgers said Americans should take heed. "The most oppressed people in the nation gave them their democracy back."

