

Bouschor's tribal court appeal denied

The Sault Tribe Court of Appeals recently issued a ruling denying former tribal chairman Bernard Bouschor's appeal on the Election Committee's ruling that according to a specific tribal law, Mr. Bouschor and other defendants in an ongoing lawsuit are not eligible to be a candidate for elected office until such litigation has been resolved.



Bernard Bouschor

The Appellate Court ruled, "It is ordered and adjudged that 10.110 (2) (of the tribal code and as summarized above) is constitutional on its face and as applied...It is further ordered and adjudged that the rights of the petitioners have not been abridged in contravention (of) the equal protection clause...It is further ordered and adjudged that the petition in this matter is denied."

Bouschor's argument was that the tribal law, which was enacted by a vote of the tribal membership, violated his rights under the federal and tribal Constitution as well as the Indians Civil Rights Act. Bouschor's appeal was filed on Feb. 28.

Oral arguments took place on March 3. It should be noted that the Tribal Code requires the court to take extremely swift action should a complaint be filed under the election code. The tribal court waived the time limits on oral arguments due to the complexity of the case in order to hear all the details from both parties.

Section 10.110 (2) of the tribal election code states, "No individual may run for election to office, who is currently a defendant in Chippewa County Circuit Court Case No: 04-7606-CC, in which the Tribe is pursuing civil litigation against the defendants, including claims involving fraud, breach of lawful authority, breach of fiduciary duties owed to the tribe, and conversion of over \$2.6 million, until such litigation has been finally resolved."

The law was enacted on Jan. 25, 2006.

Tribal Court determined, "The right to vote is a fundamental right whereas the

affirmative right to be a candidate is not. The petitioner (Bouschor) failed to the same extent in demonstrating that the petitioner (Bouschor) is a protected class of citizen...As such, this court may only invalidate the ordinance in question on the grounds of violating the equal protection clause of the Constitution if the discrimination has no rational basis."

The court further determined, "...the bare fact is the tribe stated its rationale. There was a concern with fiduciary responsibility tainted by inevitable personal conflict arising from a 2.6 million dollar claim creating the potential for personal exposure...The court finds that the tribe was attempting to have elected officials who would not be personally conflicted. That is rational."

The Tribal Court cited language taken from the resolution proposing the new law that plainly stated the tribe's motives behind the law. The resolution stated, "...it is inherent in the positions of the chairperson and director that each owes certain fiduciary responsibilities to the tribe including duties of care and loyalty."

According to court records, the court questioned Bouschor's attorney, Paul Shagen, as to his thoughts regarding the fiduciary duty owed by elected officials to the tribe. Shagen responded by indicating he did not think a "corporate concept" like fiduciary obligation is applicable to elected tribal officials.

The court further determined, "The point is that tribal voters decided for themselves that this was an appropriate restriction. The court also notes that the restriction is conditioned upon the Chippewa County case not being resolved. The parties would not be in their respective positions today of the lawsuit were resolved."

The court elaborated further by describing the law as, "an attempt to avoid the dilution of fiduciary duty by inevitable conflict with self interest. In fact, the proposal and approval of resolution 2006-114 can be seen as another example of the tribe attempting to refine lawful expectation from its elected officials who serve on the board of directors and are also employed by the tribe."



Elect We Can Do Better

JOHN HATCH

TO TRIBAL COUNCIL UNIT 1

johnhatch1@charter.net

906-630-0252



WE CAN DO BETTER **ELECT JOHN HATCH TO TRIBAL COUNCIL UNIT 1**

I am running for office because it's time to change our leadership. Our current crop is entangled in a wrestling match with the Chairman to see who runs the tribe. Council members say they rule because they make the laws, approve tribal budgets and oversee tribal employees.

The council's next move is to strip the Chief of his Constitutional position as the Tribe's Chief Executive Officer. If that happens, we won't have a Chief. We'll have a statue to honor at future council meetings and Powwows.

Naturally, our Chairman is fighting back. He says he was elected "at large" by all members giving him authority to lead the Tribe. He petitions the members to affirm his authority. And, he holds Town Hall meetings to explain this power fight. Hoping members will side with him.

Such in-fighting leaves little time to address the well-being of our community. Our current Council no longer tends to the important issues, which would make our Tribe a better place to work and raise families.

I see trouble surrounding our tribe. Signs of it are everywhere. Our casino-based economy is floundering, our vital member services are shrinking, while our government is threatening Spring layoffs.

That's why I am in this race. If I am elected, I will respect the constitution and work to bring us together and rebuild our economy.

The Tribe's 2008 budget is already overspent by \$9 to \$12 million. The sale of our Greek town Casino was recently scuttled when the buyer turned out to be a pretender. Our once valuable properties have been mortgaged - we now own nothing. Wall Street calls our financial position "upside down," Meaning we owe more money than we earn, leaving us without emergency cash reserves.

Clearly this is mis-management, it's also incompetence with a good dose of political corruption.

It is time to change leaders. Six seats are open this election. We need to fill those seats with new leaders, people who will work together. People with the intelligence to understand the issues before them. And, people who can organize their collective wisdom to solve problems, not create them.

I do not enjoy criticizing our council members. But they are elected leaders, and collectively they are paid \$1.2 million a year. Good government requires us, tribal citizens, to hold them accountable for their actions.

For example, Rep. Cathy Abramson has sat on our board for 12 years, earning about \$700,000. Here's her recent voting record.

- **She voted against the lawsuit to recover the \$2.7 million our former chairman stole when he left office in 2004**
- **She supported polling stations, making it impossible for down state and out-of-state members to vote in tribal elections**
- **She voted to take \$600,000 from our J.K.L. Bahweting Public School Academy (funds the school needs for classroom equipment, computers and supplies)**
- **She is against giving members the right to take the Tribe to court when their rights have been violated**

Should we give her 16 years in office? I think its time for a change.

I am running for office because I firmly believe my experience can make a difference. We have the resources, the talent and the determination to create a better community, one with good jobs, healthcare programs and a fair government. That's the community our forefathers told us to build, and that is the kind of community I believe in.

I hold a Master's degree from Michigan State University, I served in the military as a combat medic. I have served the tribe as Education Director and helped create Bahweting School. I served as the Tribe's Communication Director and this skill set on the board will help our government become more effective. I am also inspired by two great leaders of our Tribe, Fred L. Hatch, Sr., and Fred E. Hatch, Jr. I am a descendant of these great men and it would be in their honor and legacy that I would serve the members.

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Photo by Fred Bryant

ENGADINE EAGLE SPOTTED — The Bryants weren't sure if the raptor perching in their backyard outside Millecoquin Lake east of Engadine was a golden eagle or a bald eagle but they know it's a beauty. Lois and Fred Bryant were alerted to its presence by their barking dogs. "It was there for about an hour then swooped down, caught its afternoon meal and was gone," reported Lois, who works at the Newberry Tribal Health Center.

Bill requires detectors in new homes to help prevent tragedy

LANSING — In a move that will protect Michigan families from carbon monoxide poisoning, State Representative Gary McDowell (D-Rudyard) announced that the House has passed his bill requiring new homes and residences to install carbon monoxide detectors.

"Carbon monoxide detectors save lives, plain and simple," McDowell said. "Carbon monoxide cannot be seen, smelled or tasted, yet it is absolutely deadly. By requiring inexpensive, readily available detectors in all new residences, we will keep our families and communities safe and prevent further unnecessary tragedies from occurring."

In 2003, Patty and Gene Overbeck died from carbon monoxide poisoning in their retirement home overlooking Elk Lake in Antrim County. After returning from a shopping trip, Patty accidentally left her car running in the garage. Within hours, the house had filled with toxic fumes and the pair died without recognizing the danger they were in. McDowell's bill will name the section of the law requiring carbon monoxide detectors in every new residence "The Overbeck Law."

McDowell added that carbon monoxide detectors are especially imperative today because homes are being built more airtight than in the past. According to Stephen Biggs, the builder of the Overbecks' home who testified in support of McDowell's bill, modern homes are a "highly energy efficient, but unforgiving sealed chamber," because the flow of fresh air from drafts is insufficient to vent the interior of the home.

Incentive plan to reel in film industry will create jobs, boost economy

LANSING — House Democrats recently announced a bipartisan plan that will create jobs and boost Michigan's economy by attracting filmmakers to Michigan with the most competitive film incentive package in the country.

"Making Michigan the go-to place for the film industry will provide an immediate economic boost, creating jobs and revenues for our state," said State Representative Andy Meisner (D-Ferndale), Chair of the House Commerce Committee.

State lawmakers held a joint committee hearing on March 4 to put the finishing touches on a package that will put Michigan at the top of the nation for motion picture and commercial production.

"There are many reasons why Michigan is a desirable location for production crews, but our Great Lakes, urban centers, quaint towns, forests, vineyards and beautifully changing seasons are only one side of the coin," said State Representative Marc Corriveau (D-Northville), a lead sponsor of the package. "Money talks and the film industry always goes for the best deal they can find. We need to show the film industry how affordable and easy it is to make a major motion picture in Michigan."

Meisner and Senator Jason Allen, chair of the Senate Commerce Committee, have been

researching film incentives in states that currently lead the pack. The idea is to take those pieces of the best incentives in the country and put them together under one package, in one state: Michigan. The plan will be a mixture of tax rebates, loan incentives and workforce development credits.

"Semi-Pro," the latest motion picture to be filmed in Michigan just opened nationwide. The movie stars Will Farrell and Woody Harrelson, and was filmed in Flint in 2007. The movie brought in \$1.3 million to the Michigan economy through purchases and local hires. "8 Mile," which was filmed in Detroit for 4.5 months, pumped \$7.2 million into the state's economy. Louisiana, which was one of the first states to enact a film incentive package, saw its annual film spending go from \$7 million in 2003 to \$350 million in 2005.

"The money is there and we can't afford to wait," said State Representative Mary Valentine (D-Norton Shores). "Film producers are scouting locations as we speak, and we aren't going to be on the list without better incentives. We have the opportunity to capitalize and boost our economy with an industry we're currently not doing business with as much as we should. Let's move this plan now to strengthen our economy and create more jobs for our workers."



Luella Brown
Unit 1 Tribal Board of Directors

Please resolve to get involved. Your input counts. Your vote will make the difference. Questions those who don't appear to care. Ask yourself, "Are they for you and your family?"

For many years Tribal members have voiced their concerns and no one heard them.

Now is the time to have someone that will hear and care what you have to say.

I am committed to our people, and to our way of life..for a positive change..for your future and the future of your children. It would be an honor to be your Unit 1 Tribal councilwoman. A change from the past..to a brighter future.

Take the time to care, make your vote ring for future generations.

I believe:

- Tribal members should have a voice in Tribal decisions. There should be no laws made to silence the voices of our people.
 - In helping members by funding programs to advance our Tribal member employees so they can share in our Tribe's prosperity.
 - We should enact laws to prevent creating new positions or hiring family members to key positions with contracts when they have no experience or relevant knowledge. This is discrimination against you and your family.
 - We need to eliminate high paying contract jobs. Why do we need contracts to keep people working for us. This practice is costing the Tribe hundreds of thousands of dollars and is the reason for the 7 + 1 lawsuit.
 - We need our elders involved in passing on our culture and heritage to our younger generations.
 - We should enact our new Constitution to give back the power to the Tribal members where it belongs.
- This is what my heart says will bring us back together as true Anishinabe Tribe.

A Change From The Past To A Brighter Future

Dear Unit One members:

Aanii, my name is Luella Brown. I was born and raised in upper Michigan. I am a "Yooper" as were my ancestors. They were from Sugar Island. I am employed by the Tribe at our casino in St. Ignace. I am full blood Anishinabe and I am proud of my heritage.

I am running for the Unit 1 Tribal Council and it would be an honor to represent you. I do not have a BA, MA or PhD after my name or a lawyer's degree in my pocket. However, I do have a heart that is true Anishinabe and the knowledge of what is right and what is wrong. I am outspoken and will tell you what I think and will open the door to dialogue and communication. I will not turn a deaf ear to you. I will not make promises that I know cannot be kept. I know first hand the problems of members and employees. I will work to better both the members and employees lives.

There is a critical need to keep members informed of our spending and where all our money is being distributed. If you know what happens to our wealth and how we use it to better our Tribe - tell you in plain English - we may eliminate the distrust we have in our Tribal council. I will try my best to stop the free and unnecessary spending and give the power back to the people.

We need to become a self-supporting Tribe. We need to become a proud people again - instilling "Tribe Pride" in all members. We know we are from a great nation. There will be no secrets - if it comes from our mouths then the whole Tribe should be able to hear it.

This is my stand:

"Tribe Pride" - "People Power" - "Tribal Knowledge."

This is how we need to build a new Anishinabe Tribe. If you have questions, then our job is to find answers. If you have concerns, our job is to find solutions. If you need help, our job is to lend a hand. These tasks are not hard when you are in position of power and motivated to do good for the people.

Your vote will put a true - Anishinabe - on our council so changes can occur.

Please vote for Luella Brown for Unit 1, Tribal Councilwoman

Megwetch and walk in peace

(906)495-7013

Luella Brown

email: nanaboosho@yahoo.com

Elect

Luella

BROWN

**Unit 1
Councilwoman**

Paid For By The Committee To Luella Brown

From page 5, Bush FY2009 budget falls flat

This cut in the president's budget is going to make it more difficult for American Indian students and other minority students to attain a college degree.

With a looming recession on the horizon, the cost of a college education on the rise and an increasingly global economy, supporting our nation's minority based colleges is the only way to ensure more students can reach their goal of attaining a college degree.

Other than slashing funding for minority-serving colleges, the president's education budget is very similar to last year's, both in benefits and losses for higher education. In a nutshell, most Native-specific programs are targeted for termination within the Department of Education.

The president's budget also proposes eliminating the \$21.4 million funding for the Johnson-O'Malley (JOM) program, which is a supplemental educational program funded by the Bureau of Indian Affairs. The JOM program was designed to meet the unique needs of Native American students in the public school system.

According to Angeline Matson, Sault Tribe education director/assistant membership services director, "When budget times are good in Washington,

D.C., Indian education programs get less of the increases. Whereas, when budget times are bad — as has been the case for the past several years — Indian education takes bigger cuts than other programs."

Matson said if every parent of every Indian child who ever received gym shoes, a band instrument, graduation gowns, or tutoring through JOM called, e-mailed, or faxed a personal testimony about the value of JOM, it would "wake them up that we aren't going to sit quietly and let this funding be cut."

By the way, she added, the phone number is (202) 208-6123. The fax number for BIA-Education is (202) 208-3312, and the email for the director is tdowd@bia.edu.

The most troubling thing about the president's 2009 budget proposal is that tribe's have to jump through those same hoops again regarding JOM funding, said Matson, and "meet with the same legislators and refute the same baseless rationale for eliminating it."

She added, "You have to wonder, what could we be spending our energies on instead? It's an effective means to keep us spinning with JOM and keep us from working towards increased funding for Indian Head Start, Title VII,

Impact Aid, and so on. If I were the president and I didn't care about Indian education, I sure would use the same strategy."

In the public safety arena, the president's budget proposes a \$2.5 million reduction in funding for tribal courts and fire protection, in addition to a slight decrease in funding to the BIA that will increase the current 40 percent gap in unmet law enforcement staffing needs. While Indian Country is working to play catch up in this area, outside of Indian Country public safety funding remains level.

Good and bad news for economic development. A BIA Indian land consolidation program was eliminated and the Indian roads maintenance budget at BIA would be cut in half. The BIA Housing Improvement Program would be gone and Department of Energy funding for tribes would take a big fall — from \$6 million to \$1 million. There is one ray of sunshine on the economic development side, a \$2 million increase is proposed for the BIA Indian Guaranteed Loan program.

Health care is a critical area where even though funding in this new budget remains level, according to the NCAI, the Indian Health Service (IHS) is only funded at 60 percent of its need. The president also recom-

mends getting rid of non-reservation based Indian health care programs. As Native Americans continue to remain at the bottom in diseases such as cancer and diabetes, they will continue to fall further behind in meeting those needs with the president's FY2009 budget.

Some good news for a few critical programs: the HUD Section 184 Indian Home Loan Guarantees received a \$53 million boost; the Ester Martinez Languages Preservation Act was funded at \$2 million; Head

Start receives an increase of \$149 million and tribes within the Department of Homeland Security's State Homeland Security Grant Program will have a minimum of \$1 million available to them.

Bush noted that in order to save money and aid the environment, this was the first budget to be released only in electronic format.

In response, the Senate Budget Committee chairman offered that perhaps the president "just ran out of red ink."



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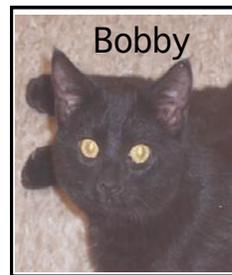


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Bats dying with "White Nose Syndrome"

Approximately 8,000 to 11,000 hibernating bats have died from unknown causes in New York and Vermont. The dead bats appear to be infected by a fungus that often forms white tufts on their muzzles, giving it the name White Nose Syndrome (WNS). It is unknown if the fungus is contributing to the deaths or if it is a symptom of another problem. In addition to the white muzzle, dead bats appear to have used up their winter fat stores and have congregated much closer to cave entrances than usual.

Biologists and researchers from around the country are working to determine the cause and to assess the threat to bat populations nationwide.

The Endangered Species Act (ESA) protects at least one of the affected species, the Indiana bat. Little brown bats are sustaining the largest number of deaths, as well as northern long-eared, eastern pipistrelle and other bat species using the same caves. Human health implications are not known; there is no information indicating that people have been affected after

visiting sites where WNS has been found.

The Fish and Wildlife Service (FWS) requests that cavers continue to observe all cave closures and advisories and avoid caves or passages of caves containing large hibernating populations of any bat species. Before entering a cave, please contact the state's wildlife agency to obtain the latest information on cave access.

The FWS is not encouraging individual cavers or caving groups to search for bats with WNS. However, if you should observe a hibernating bat with a white muzzle or other white, fungus-like patches, please follow these guidelines:

- Do not touch any bats (living or dead), especially those with a white muzzle or nose.
- If you have a camera with you, please take a few photographs of the potentially affected bat(s).
- Exit the cave immediately, avoiding contact with other bats.

• Contain and decontaminate your clothing, footwear and gear following the procedures below.

• Contact your state wildlife agency or your nearest FWS field office to report your potential WNS observations.

• Report any dead bats found outdoors or any unusual numbers of bats outside during cold weather, especially near a cave where bats hibernate.

• Upon exiting a cave in New York, Vermont, New Hampshire, Massachusetts, Connecticut, New Jersey or Pennsylvania, please follow the containment and decontamination procedures below. In addition, do not take gear into a cave in these states if it cannot be decontaminated or disposed of. Because clothing, footwear and gear used in a New York or Vermont cave within the past two years could pose a risk of spreading the syndrome, the FWS advises that these items not be used when accessing caves anywhere and that these

items not be transported out of New York or Vermont.

The FWS procedures for containment and decontamination are:

- When you exit the cave, scrape or brush off any dirt and mud from your clothes, boots and gear.
- When you get to your vehicle, remove your clothing, boots and gear, put them in a plastic/garbage bag, and seal the bag closed to prevent contamination of the vehicle's interior and trunk. Remember to bring extra clothes for the drive home.
- Wash your caving clothes using hot water, detergent and a normal bleach cycle. Dry the clothes thoroughly at hot temperatures.
- Wash your boots thoroughly with detergent and then soak them in a 10 percent bleach solution. Soak porous boots longer than nonporous boots.
- Wash your gear thoroughly with detergent and then soak in a 10 percent bleach solution.
- Dry items in sunlight if possible. For more information, please visit www.fws.gov/northeast/white_nose.

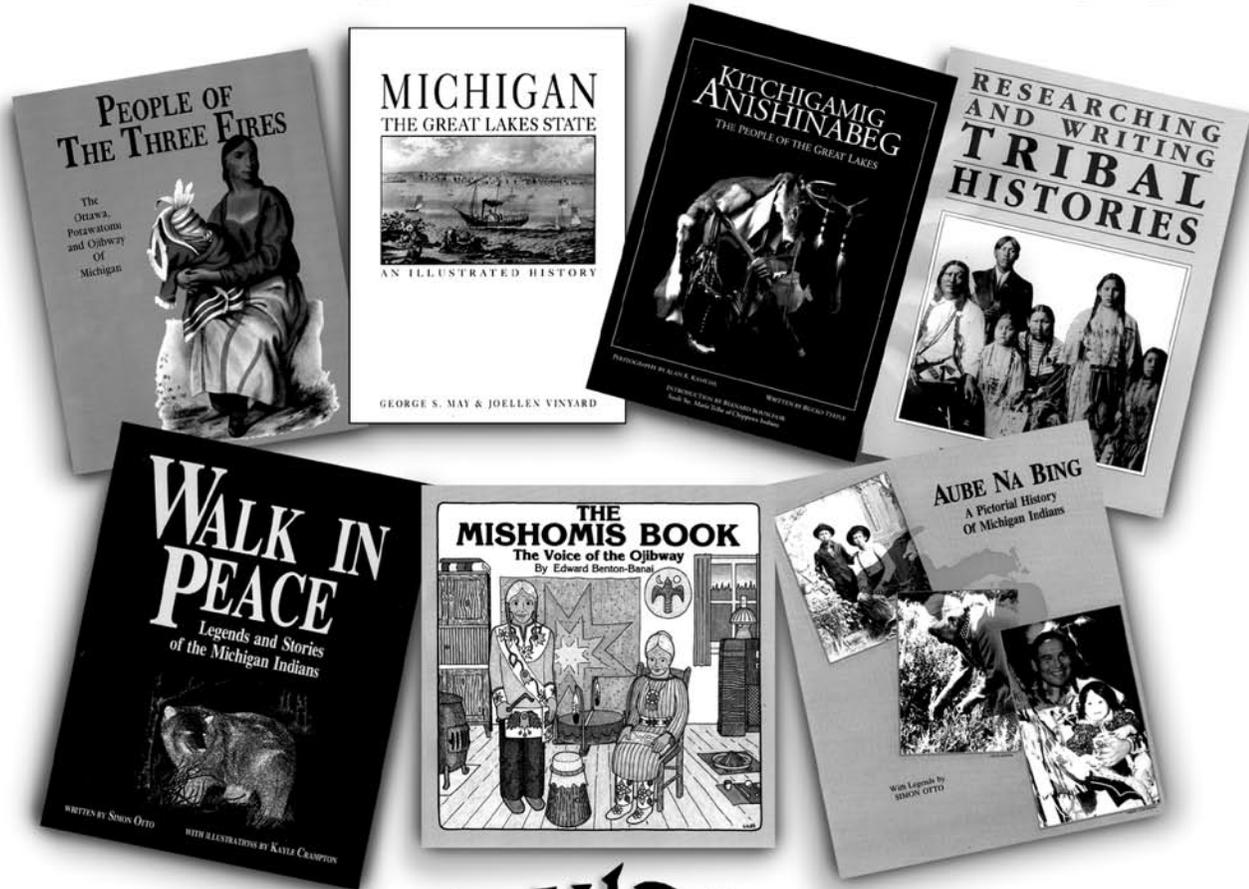
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Owned and operated by The Sault Tribe of Chippewa Indians.

Clean air Web site

A new feature of the Environmental Protection Agency (EPA) Web site suggests dozens of projects local communities can do to help make the air cleaner and healthier to breathe.

Called *Improving Air Quality in Your Community*, it features activities for reducing both indoor and outdoor pollution, including diesel engine retrofit programs, improving air quality in local schools and pollution prevention options for small businesses.

These projects have a successful track record; they were previously put into action by state and local governments across the country.

More information waits at www.epa.gov/air/community.

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Michigan revises emerald ash borer quarantine

LANSING — On Feb. 4, Michigan Department of Agriculture (MDA) Director Don Koivisto announced an amendment to the state's Emerald Ash Borer (EAB) interior quarantine to help prevent the further spread of the exotic insect in the Upper Peninsula (U.P.).

Effective immediately, Michigan's EAB interior quarantine was revised to include all of Mackinac County in the

U.P. In fall 2007, EAB infestations were discovered near the Village of Moran and Straits State Park in St. Ignace. The Mackinac County quarantine is divided into two levels: the City of St. Ignace and the townships of Moran, Brevort, and St. Ignace are quarantine Level II; and the remaining portions of Mackinac County are quarantine Level III.

"Michigan's natural resources continue to be at risk," said

Koivisto. "Over the past several weeks, MDA staff conducted intensive surveys around both the Moran and St. Ignace sites to determine the extent of the infestation. The current quarantine revision prohibits the movement of ash material or hardwood firewood from quarantined areas in the U.P. or from the lower peninsula."

EAB is an exotic insect native to Asia that attacks ash trees. In its larval stage, EAB feeds undetected under the bark of ash trees, disrupting water and nutrient flow, which kills the trees in three to four years. First discovered in 2002, the borer is responsible for the death or damage of approximately 20 million ash trees in the lower peninsula.

As the leading cause of

spreading EAB, the movement of hardwood firewood is still prohibited from leaving the lower peninsula. The inspection station at the Mackinac Bridge will also continue to prevent hardwood firewood and other regulated ash material from entering the Upper Peninsula.

Individuals or businesses found violating the state's

EAB quarantine are subject to fines ranging from \$1,000 to \$250,000 and jail time of up to five years for moving regulated ash materials, including firewood.

Additional information about EAB and a map of the quarantine boundaries are available at www.michigan.gov/eab or www.emeraldashborer.info.

Emerald Ash Borer Quarantine

Michigan Department of AGRICULTURE

Toll Free EAB Hotline (866) 325-0023

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Green Beer!
DreamCatchers - Sault
Horse Shoe Bay - St. Ignace
Bars will be having Drink Specials & Green Beer

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March 28-30, 2008
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Blackjack Bonanza
2nd & 4th Sunday of the Month

KK031408

Entertainment

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FRIDAY, APRIL 4TH
SAULT STE. MARIE, MI

Promotions cannot be changed without prior approval by the Sault Ste. Marie Tribe of Chippewa Indians Gaming Commission. Promotions can be cancelled at Management's discretion.

Weekly Events

Rapids Lounge Entertainment
Sault Ste. Marie
Comedy starts at 8pm - Thurs.
Mar. 20 Miike Wally Walter & Tim Costello
Live Music starts at 9pm Fri. & Sat.
Mar. 14 & 15 - Lonnie Givens
Mar. 21 & 22 - Uncle Ugly

Northern Pines Entertainment
St. Ignace
Wednesday Comedy Shows start at 9pm
Mar. 19 Miike Wally Walter & Tim Costello
Live Music starts at 9pm Fri. & Sat.
Mar. 14 & 15 - Mickey Rat
Mar. 21 & 22 - Peril
Manistique
Mar. 28 & 29 Bearwalkers

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