

Rulings could make half of state tribal land

COURTS • U.S. Supreme Court to determine cases involving Oklahoma tribes that argue much of state is Indian country

By Justin Wingerter
The Oklahoman

OKLAHOMA CITY — Two Oklahoma tribal cases are awaiting action by the U.S. Supreme Court: an Osage wind farm dispute and a Creek murder case that could determine that half the state is Indian country.

Last week, the high court asked the U.S. solicitor general

to weigh in on the Osage matter, an indication that justices are considering the case. The Supreme Court could decide as early as Monday whether it will hear that case and the Creek murder dispute.

Judith Royster, a University of Tulsa law professor and leading expert on Native American law, said the request for solicitor general input heightens the

odds that the justices will hear the Osage case. The federal government already has weighed in on the Creek case, taking the unusual step of submitting its opinions before being asked to.

“Because the Department of Justice — the U.S. Department of Justice — argued against the tribe, I suspect that they might” hear the Creek case, Royster said of the Supreme Court. “It’s relatively unusual for the federal government, which is the trustee for Indian tribes, to take such a strong position counter to tribal

interests.”

Royal v. Murphy

The grisly details of George Jacobs’ mutilation and murder in 1999 would not seem to lend themselves to a historical dispute. But the man convicted of that crime and sentenced to die for it, Patrick Murphy, presented an unusual defense during his appeals process.

Because both Jacobs and Murphy were Muscogee (Creek) Nation citizens and the crime oc-



Murphy

curred on what was historically Creek tribal land, Murphy should have been tried only in federal court, not state court, he argued.

That was a novel argument, since it assumed the Creeks still own a reservation and have since 1866. It has long been believed that Oklahoma statehood ended such

» See Rulings, page A10

Official sent nude photos at work

Police pension fund chairman sent, received nude photos on work email

By Nolan Clay
The Oklahoman

The chairman of a state board that oversees a \$2.5 billion police pension fund admits he once sent nude photos through government email accounts.

“I regret now that I sent them,” the chairman, W.B. Smith, said of the five photos of a naked woman driving a BMW convertible.

Smith, 74, told The Oklahoman he deleted other inappropriate emails found during a state investigation. He said he also spoke about them to the sender, Steven K. Snyder, who at the time was the executive director of the Oklahoma Police Pension and Retirement System.

“For all the rest of them, whenever I got them, I deleted them,” Smith said.

The emails were discovered during a state investigation into an anonymous tip about the executive director’s travel at state expense.

The discovery comes at a time of heightened public awareness across the country to issues of sexual harassment, sexual misconduct and workplace behavior.

Snyder was fired March 12 and charged May 1 with fraud and a computer crime because of the investigation of his travel. Snyder, 61, of Edmond, is accused in the felony case of disguising personal vacations as business trips so he could be reimbursed. He denies wrongdoing.

Investigators at the Office of Management and Enterprise Services reviewed Snyder’s state emails in order to fully analyze the reasons for his travel.

They made special note of one email Smith sent to Snyder and a number of emails Snyder

» See Pension, page A9



Rotary Club of Tulsa member David Peterson (center), project manager Enrique Peralta (in yellow shirt) and Metropolitan Leon Rotary Club Water Chairman Roberto Reyes (left) look over a new pump. COURTESY/Rotary Club of Tulsa

Large-scale kindness

Tulsa Rotary’s clean water efforts among biggest Rotarian aid projects



A child turns one of the water pumps installed in small villages in Nicaragua by the Rotary Club of Tulsa. COURTESY/Rotary Club of Tulsa

A project to bring clean water to a small village in Nicaragua has grown into one of the largest aid programs by any Rotary Club in the world.

That project, to finance the drilling of a water well, has ballooned into a massive effort bringing clean water to more than 200,000 in villages throughout Nicaragua.

“The club saw a need and devised a way to meet that need,” said David Peterson, who has been active in the project for many years. “It has grown quite a bit, and we’ve been able to reach



STEVEN RECKINGER/Tulsa World

so many more people over the years.”

The Rotary Club of Tulsa continues to bring a shot at a new life to thousands of Nicaraguans each year.

The local club has drilled 515

» See Klein, page A9



John Klein
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Not every street in south Tulsa needs to have six lanes

North of 81st Street, Yale Avenue is a six-lane thoroughfare stretching in a perfectly straight line as far as the eye can see, albeit rising and falling over hills. South of 81st, however, it narrows to two lanes as it winds up one side of a steep hill and down the other, until it widens again as it approaches 91st Street.

It’s a bottleneck, of course. But in my experience driving it several times a week, traffic flows reasonably well except at the very peak of rush hour. And even then, it’s hardly a major slowdown by south Tulsa standards.

Officials have nonetheless been talking for the past 20 years about widening the road.

Now City Councilor Phil Lakin wants to expand Yale only to four lanes instead of six to minimize the impact the project will have on neighborhoods running along both sides of the street.

Here’s another reason to reconsider six-laning it: Not every road in south Tulsa needs to look like suburban Tuscon.

In the early post-war era, Tulsa’s city planners expected growth to head mostly east. That’s why Interstate 244 was built wider than the Broken Arrow Expressway.

But a lot of homeowners preferred the wooded “southern hills” that run alongside the Arkansas River, taking suburban development in a different direction.

Development, in turn, has flattened and deforested a lot of those hills.

There’s still a lot of scenic beauty left in south Tulsa, of course. But with every new strip mall and drug store and street widening, the area loses a little more of its distinctiveness, slowly erasing what attracted people to the area in the first place.

Let’s improve traffic flow where needed. But not every street has to be turned into another Memorial Drive.

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Yale Avenue narrows to two lanes as it climbs a hill south of 81st Street. STEPHEN PINGRY/Tulsa World file



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Man injured trying to save turtle from traffic

Truck hit his parked car, which in turn struck him

FROM STAFF REPORTS

A man sustained head, chest and leg injuries while attempting to remove a turtle Sunday from a highway in Rogers County.

Phillip Smith, 79, of Claremore, stopped his vehicle around 9:45 a.m. on Oklahoma 66, less than 2

miles north of Claremore, according to an Oklahoma Highway Patrol report. Smith was attempting to "save a turtle," troopers state in the report.

A 1999 Chevrolet Silverado driven by Jerry Frazier, 57, struck the parked Lexus. The parked Lexus then struck Smith, according to the report.

Emergency responders transported Smith to St. John Medical Center in Tulsa with multiple injuries.

Man dies after crash on U.S. 64 in Muskogee County

A man died after losing control of his vehicle while passing a vehicle on U.S. 64 in Muskogee County, running off the roadway and crashing.

David Roach, 24, of Muskogee, was driving a 2016 Jeep Wrangler southbound around 1:30 p.m. Saturday, according to an Oklahoma Highway Patrol report. Roach attempted to pass a vehicle on the road and lost control of the Jeep.

The Jeep exited the roadway, struck a stop sign and a fence, then rolled multiple times

before Roach was ejected, according to the report.

Emergency responders transported Roach from the scene of the crash, about a half mile south of Keefeton, to a Tulsa hospital in critical condition. Roach died around 11 p.m. Saturday in the hospital, according to the report.

Troopers cite the cause of collision as unsafe speed on a curve. Roach's condition at the time of the crash remains under investigation.

— From staff reports

Pension: Nude emails

» From page A7

sent to Smith and others.

Smith in October 2010 forwarded to Snyder the email involving the naked female BMW driver. "Don't buy a BMW!!!! Apparently the air conditioning doesn't work on them," someone earlier in the email chain had joked.

In 2012, Snyder emailed Smith 60 nude photos of women, a sex joke, a joke about alcoholism and a joke about comedian Rosie O'Donnell's looks, records show.

Snyder emailed Smith an ethnic joke in 2013 and a questionable comment about minorities in 2014.

Last year, the chairman sent Snyder a photo taken from above of another trustee on the pension board and a woman sitting on chairs in a lobby. The subject line said to look at Tony.

Snyder replied with a sexual remark.

In 2016, Snyder forwarded a business email from a vice president of a financial services company in New York City. Snyder commented he loved the sender's name.

The woman who wrote the email has a last name that is similar to a common and crude word for female genitalia. In a reply, Smith sent the executive director an online photo of the woman on a boat. Smith also noted she had worked at another financial services company.

Snyder responded with a sexual remark.

Asked specifically about those emails, Smith said: "Regarding the 2017 picture, neither Mr. Snyder nor I attended the conference. I found pictures from the conference online and sent Mr. Snyder the picture of Tony. I did not realize that someone would interpret the photo in a sexual way."

"Regarding ... 2016, after I received his response about the picture, I talked to him again and said those types of response are inappropriate."

Smith has been a trustee on the pension board for more than 20 years and has been its chairman since July 2016. He also was chairman in 2010-2011, 2000-2001 and in the early 1990s.

His trustee position is an elected one and is unpaid.

The total cost to the

police pension system of the trip is approximately \$3,500 which includes conference registration, airfare and hotel accommodations, Interim Executive Director Sean Ruark said.

Asked if an investigation or board action regarding Smith were in the works, the interim executive director said, "No comment." Smith also is a retired Oklahoma City police lieutenant who now works for the city as a legal investigator at the Municipal Counselor's Office. He used his city email account to send the nude photos in 2010, records show.

Snyder declined to comment on the emails.

"These emails provide absolutely no evidentiary value and have no relevance to the pending charges and therefore warrant no comment," defense attorneys Mack Martin and Amber Martin said.

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Klein: Nicaraguans benefit from projects

» From page A7

water wells in Nicaragua, now averaging between 30 to 40 per year, since the program started in 2002.

Now, 16 years later, the clean water project is fully funded by the Rotary Club of Tulsa and jointly operated with a Rotary Club in Nicaragua.

The project has become a wide-ranging act of kindness by Tulsans.

"One time, we were down there on the clean water project and we were headed to a village where the person that was meeting with us had just died," said Brenda Melancon, a Tulsan who has been actively involved in the project. "There was no money for a funeral, so we paid for it."

"We send a group of people down there every year. We're always running into stuff, and we do our best to help in whatever way."

However, the basic purpose of the project is to bring clean, drinkable water to small villages in need. The Rotary Club of Tulsa, in conjunction with a Rotary Club in Leon, Nicaragua, operates a water well drilling rig. There is a project manager and three drillers who work year-round on the project.

It is not cheap; the equipment cost is \$400,000, and the annual budget is about \$90,000.

But the result is priceless to the villagers who rely on the clean water.

Wells are often drilled either in the center of the village or near schools and hospitals.

"We've drilled many of the wells near a school for a reason," said Peterson, a retired district judge. "Before the wells, the children might have to walk two or three miles to a stream or lake to get water and bring back home. As a result, they couldn't go to school."

"This way the children can go to school and then return home in the afternoon with water. That water is then used by the family in a lot of ways. They water gardens and use (the profits from the gardens) to pay for schools. They use the



The Rotary Club of Tulsa, in conjunction with a Rotary Club in Leon, Nicaragua, operates a water-well drilling rig in a project to bring clean, drinkable water to small villages in need.

COURTESY/Rotary Club of Tulsa

water for animals. It all works together."

Rotarian Ben Windham, a trained geologist, does a lot of the research and organization for the project.

"I think I really enjoy seeing these wells bring people clean water, but it is also great because it helps keep the kids in schools," said Windham. "I study the geology for the wells, and then I help organize the supply network. Each year we send down a container of supplies for the project."

"We used that container shipment to help take medical supplies down there, too. No need to waste space. There is a need, and we have the space and we have been able to get those supplies for generous people here in Tulsa."

Rotarian Linda Bradshaw, who operated a well-known gymnastics school in Tulsa for decades, also is involved in the clean water project.

Every year she helps organize a visit to Nicaragua by 20 or more Tulsa

Rotarians to see the project and talk to villagers about needs.

"Everyone has different jobs — such as David is sort of our diplomat as a former judge," said Bradshaw. "Ben does geology and ordering parts and equipment."

"It seems like everyone in this club, and it is a very large club, contributes in some way. Yes, it is a big club, but this is a big project. It takes everyone."

The project has changed in recent years. Central America has been suffering through a multi-year drought.

As a result, the wells must be dug deeper and with more sophistication. "In addition, the people have to be very careful about conservation and making sure they don't waste any water from the aquifer," said Peterson. "So there is some education with the villagers to make sure they take care of their supply."

At a recent international Rotary event, there were projects highlighted

all over the world being organized and funded by Rotarians.

The clean water project by the Rotary Club of Tulsa is considered one of the largest, if not the largest, of the aid projects.

"When we go down each year, the villages where we've drilled these wells will always have a celebration for us," said Bradshaw. "I really believe there is no greater blessing than the gift of water."

"Unless you go down there and see it for yourself, and see the impact it has on those people and their villages, it is hard to imagine. The well becomes a community gathering place. The last time we were down there, a villager got up and said, 'Thank God and thank God for you.' It was very touching. You realize how much of an impact you can have for people."

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