



[Okla. tribe makes bid for state recognition, gaming compact in historic NM homeland](#)

09 April 2012 S.E. RUCKMAN, Native Times Special Contributor

User Rating: ★★☆☆☆ / 0

Poor Best

DEMING, N.M. – Just to the south of here, the mountains of Mexico shimmer in the distance. The terrain is rough and tumble; a barren expanse that is Southern New Mexico. Short on water and long on dust, this country is where the Chiricahua and Warm Springs Apache once called home.

Now the descendents of those Apache bands, the present-day Fort Sill Apaches, want to restore their presence in the historic homelands. But the path has been fraught with political brambles rather than soldiers’ rifles as when they were imprisoned by the federal government in the 1880s.

Tribal chairman, Jeff Haozous, maintains that his tribe is indigenous to New Mexico. As such, the Fort Sill Apache has a right to negotiate with the state of New Mexico for a Class III compact, like all state tribes.

“Our people were removed and sought to return for over a century,” Haozous said.

Complicated doesn’t begin to describe the issues involved in the Fort Sill Apache bid to re-establish itself as a New Mexico state tribe and eventually begin gaming. They purchased a 30-acre plot of land in Akela Flats, an area that has an unemployment rate of about 13 percent. After placing that plot into trust with the U.S. Department of Interior, the tribe then made a bold move.

They opened a small casino with Class II (bingo-based) gaming machines that were cut short by then New Mexico governor, Bill Richardson in 2009, who blockaded entry to the site. A Notice of Violation served by the National Indian Gaming Commission (NIGC) declared the land did not meet gaming requirements. Fort Sill Apache’s Homelands Casino was subsequently shut down by the tribe.

New Mexico is a state with some 14 gaming tribes which makes Class III gaming compacts with the government for a cut of their gaming revenues. While the casino portion is not in operation, the Akela Flats restaurant and smoke shop remains open pending Compact negotiations with New Mexico. Business remains brisk, tribal officials said.

But this dispute is not entirely about gaming, proponents say. History books document the tribe's exodus from their desert lands by train to Fort Sill, near Lawton, Okla. Later the Fort Sill part was prefixed to their collective name although they viewed themselves as Chiricahuas and Warm Springs. Today, scores of names on the tribal rolls derive from the original roll members, many of whom were born in captivity at Fort Sill, the same prison that held renowned tribal leader, Geronimo.

Not everyone was keen on seeing the Apaches return to their old territory to open a gaming facility. Opposition that once came from Gov. Richardson's office has thawed some. The new governor, Susana Martinez, has shown indications her office is inclined to formal negotiations, FSA officials said.

One federal lawmaker, Sen. Jeff Bingaman, D-N.M., formalized his opposition in a November 2011 letter to U.S. Department of Interior, Ken Salazar, decrying the Fort Sill Apache efforts. Bingaman said the tribe is an Oklahoma tribe trying to open a casino in New Mexico.

"It appears that the only path remaining for the Tribe (sic) to open a casino in New Mexico is through the two-part determination process," Bingaman told Salazar in the letter. "...I would urge you to deny any request to grant the Tribe approval to game in New Mexico."

"He (Bingaman) has some concerns," said Maria Najera, Bingaman's press secretary.

Then there's the federal input that can make the Fort Sill Apache's casino goals in New Mexico a reality. Land has to be deemed gaming worthy. An approved off-reservation application/ two-part determination through the Interior Department is one pat answer. That requires the approval of the DOI secretary and the top state official. The Fort Sill Apache have not filed for the two-part determination.

Only five applications filed with the Department of Interior have been approved for this special designation in 20 years, according to DOI figures. The off-reservation exemption can be applied to lands purchased by tribes after the Indian Gaming Regulatory Act of 1988 (IGRA). The Fort Sill Apache bought their land in 1999 and received trust status for it in 2002.

The five land applications approved for off-reservation gaming were: Forest County Potawatomi in Milwaukee, WI; Kalispel Tribe in OR; Keweenaw Bay Indian Community in MI; Fort Mojave Tribe in CA and the Northern Cheyenne in MT, according to Nedra Darling, DOI spokeswoman.

In the meantime, the tribe argues that a casino in the Deming area would create jobs and revive a border town that lies within 110 miles of El Paso, TX, an untapped gaming market (Indian gaming is not allowed in Texas).

Support has come from City of Deming, Luna County and Deming Chamber of Commerce officials, all who penned letters in favor of the proposed gaming facility. J. Jay Spivey, Luna County commissioner, informed Martinez that a casino by them could jumpstart things economically.

“Over time, the Casino Project proposes to create hundreds of Jobs for Luna County residents and citizens of surrounding communities,” the Jan. 12 letter read. “We look forward to working with the tribe...”

New Mexico gaming tribes recently publicized their opposition to another casino project planned by the Jemez Apache, who announced building a site located some 300 miles away from their governmental jurisdiction. Those plans were later dropped.

Meanwhile, the Fort Sill Apaches, which number just under 700 members, have a home base in Apache, Okla., where it manages its program, governmental and tribal affairs. It also has a small casino in nearby Lawton called the Fort Sill Apache Casino (a former bingo hall).

Former Bureau of Indian Affairs undersecretary, Larry Echo Hawk, approved the Fort Sill Apache’s application to have their New Mexico smoke shop land (30 acres) deemed a reservation. The proclamation printed in the Federal Register in November 2011 states that the proclamation does not “affect title of the land.” But it is an official reservation, nonetheless, the FSA chairman said.

For now, that’s fine for the tribe, Haozous said. A federal reservation proclamation abets their argument as they seek to be recognized as a New Mexico tribe. Fort Sill leaders say the pretense that the tribe is interested in trying to infringe on existing casinos and NM tribes is misleading.

Diplomacy takes time, Fort Sill Apache officials said. They’ll continue to meet with local, tribal and state officials to make their case that their Deming site is gameable land.

“We have established that we belong out here,” Haozous said. “We need the support of the United States and the people of New Mexico.”



The Fort Sill Apache Tribe has placed land purchased in New Mexico into trust and established a business presence. While the casino portion is not in operation, the Akela Flats restaurant and smoke shop remains open pending Compact negotiations with New Mexico. PHOTO BY BOB AND DIANE HUDGENS SOUTHWEST PHOTOGRAPHY, DEMING, N.M.

