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Another Blow To Fort Sill Apaches

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LAS CRUCES — A federal judge in Oklahoma on Thursday dealt the Fort Sill Apaches another setback in their ongoing effort to gain federal approval for a high-stakes bingo parlor near Deming.

Meanwhile, the Fort Sill Apaches have launched a public relations effort aimed at improving their image. The tribe still feels wounded by Gov. Bill Richardson's decision in February to dispatch State Police to block access to the Akela Flats building east of Deming, where it hopes to someday open a casino.

In recent weeks, the tribe has been running ads on Albuquerque-area television and radio stations in an attempt to reintroduce itself to New Mexicans, tribal Chairman Jeff Houser said.

"It's part of the effort the tribe is initiating to build relationships with our neighbors, to tell people who we are and what we are about," Houser said.

The script for the television ad reads: "For over 120 years, the Chiricahua Apaches struggled in exile. Today we return to the land of our ancestors in New Mexico with plans to build a future.

"Don't let history repeat itself," the ad says. "Help the Chiricahua Apaches shape their own destiny."

The U.S. government took Fort Sill Apache ancestors as prisoners of war and moved them from the Southwest to Florida, then Alabama and finally to Oklahoma. They were considered prisoners of war for 27 years until their release in 1913.

In the legal setback Thursday, Judge Stephen Friot denied the tribe's request for an order enforcing a 2007 settlement agreement between the Fort Sill Apaches and the federal government that the tribe hopes will lead to establishment of a reservation on the 30-acre Akela Flats site.

It's a step the tribe believes may open the door to getting approval for a gambling operation there.

The federal government agreed in the 2007 settlement to "accept and timely process" a Fort Sill Apache application for reservation status on the 30-acre site, now held in trust by the U.S. However, the tribe claims the Bureau of Indian Affairs has been dragging its feet.

In its response to the tribe's motion, a Bureau of Indian Affairs official said federal officials cannot proceed with the application until the Fort Sill Apaches complete an environmental assessment on the impact of their proposed activities at the site.

Fort Sill Apache attorney Phillip Thompson said the judge directed the tribe to complete the environmental assessment. "We will comply with this request and then move forward," he said.

The 2007 settlement resolved a lawsuit in which the Comanche Nation of Oklahoma asked the federal government to shut down and halt the expansion of a casino run by the Fort Sill Apaches in Lawton, Okla.

The Fort Sill Apaches, descendants of the Chiricahua and Warm Springs Apaches that once roamed southern New Mexico and Arizona, do not have a reservation in Oklahoma.

The Indian Gaming Regulatory Act prohibits gaming on most tribal trust land acquired after 1988, and the Fort Sill Apaches acquired the Akela Flats property in 1998. But the federal gaming act contains an exemption for tribes granted a reservation for the first time.

The National Indian Gaming Commission in May told the Fort Sill Apache tribe that the Akela Flats property did not qualify for gaming under IGRA.

Thompson said he believes that gaining reservation status for the Akela Flats property is a "promising" path toward eventually gaining federal approval for gaming operations.

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