

## **TRIBE CALLS SECRETARIAL DECISION ON TRUST APPLICATION PATERNALISTIC AND WRONG**

### **DOI Denies Sullivan County Application**

AKWESASNE – The St. Regis Mohawk Tribe received a long-awaited and much anticipated decision today from the Secretary of the Interior Dirk Kempthorne—the language of that decision smacks of what Tribal officials thought was a long-gone paternalistic, racist approach to Indians.

While disappointing, this decision was not unexpected. It will not be the last word. Kempthorne has offered a prejudged position that declares “Washington cowboys” know what is best for American Indians. Moreover, it completely throws New York and the people of Sullivan County under the wagon. There is an undeniable and irrefutable record that makes clear that this decision is arbitrary, capricious and laughable. In the end, the record will not support a denial.

Secretary Kempthorne, denied the Mohawk’s application to place approximately 29 acres of land located in Sullivan County into federal trust status for the purpose of gaming. The reason provided by Assistant Secretary James Cason in the denial letter stated that, “The proposed gaming facility can have significant negative effects on reservation life.”

Stunned and incredulous, the Tribe is now asking, according to whom?

The Tribe, Governor Eliot Spitzer, members of Congress and leaders across New York State worked as a team to secure the necessary approvals for the project to no avail. The Tribe has been working diligently for twelve years to bring a casino to the Catskills. Secretarial authorization to place the land into trust was the last administrative hurdle to establishing a Mohawk casino in the Catskills, and the final step in the Indian Gaming Regulatory Act Section 20 process.

“As far as we can tell this decision is 100% politics. Remarkably, the Secretary has chosen to blatantly ignore the merits of our application and the undeniable strength of our administrative record in favor of catering to powerful special interest gaming groups. This decision defies all reason and is the product of a man and an administration that cannot stomach the idea of Native American success and financial independence. It is deplorable,” said Tribal Chief Lorraine White. “The language contained within the decision strikes me as a brazen paternalistic assault against not only the Mohawks but all of Indian Country. The clear message is that Indians belong on reservations and should be content to receive handouts and commodity cheese from the federal government.”

The Tribe has always felt that it has an airtight case destined for approval. “It doesn’t end here for us, we are energized to take this to court,” continued Chief White.

Back in April of 2000, the Department of the Interior made a determination, based

upon 16 pages of detailed findings of fact that the proposed acquisition would be in the best interest of the Tribe. In December 2006, the Interior issued a Finding of No Significant [Environmental] Impact (FONSI). In that determination, the Interior actually stated that a Sullivan County casino would have “No foreseeable adverse effects on the tribe.”

“Incredibly, the Interior’s own statements, guidance and past findings in the administrative record do not support this decision,” added Chief White. “The bottom line is Indian Country is getting screwed on a totally fictitious basis.”

And nearly a year ago, on President’s Day in February 2007, Gov. Eliot Spitzer concurred with the Interior’s findings on the Secretarial “two-part” determination that the proposed acquisition would be in the best interest of the Tribe and of no detriment to the surrounding community. At that time, Spitzer granted state approval on the gaming compact and has since expressed unwavering support of the Tribe’s Sullivan County casino project, even meeting with Interior officials to urge a decision.

Late last year, Assistant Secretary of the Interior Carl Artman told tribes that the department was developing a new policy for off-reservation casinos and would not be making any decisions on pending applications until the policy was finalized.

The new rules were not mentioned in the letter the Tribe received.

“We followed the rulebook, we satisfied every federal legal and procedural regulation, and at the eleventh hour, the Department of the Interior issued us the lamest, weakest argument to deny. There is no legal basis for this decision,” said Tribal Chief Barbara Lazore. “We are not going to sit idly by and allow the Interior to change the fate of the St. Regis Mohawk people. If we as a Tribe can’t get justice from the Secretary of the Interior—who is charged with trust responsibility to tribes, maybe we can get justice from the courts.”

The Tribe received a letter from the Interior stating that, among the negative impacts to reservation life, that commutability to the Catskills, nearly 350 miles away, was a concern. The Tribe however, has a legacy of commuting to New York City for jobs where generations of countless Mohawk ironworkers built the very skyline that defines the city. Kempthorne has dared to suggest that Mohawks are incapable of conducting business and unable to hold jobs away from home, yet this is an ingrained part of Mohawk life where ties to the community are maintained.

“Our project was stolen out from under us in 2000 by an Atlantic City-based gaming company,” added Chief Lazore. “Now, I feel these interests have exerted their influence which has resulted in the Interior denying us this opportunity yet again.”

The St. Regis Mohawk Tribe, which filed a complaint against Sec. Kempthorne in late October for inaction on the trust application, will now file a lawsuit against the Secretary for the arbitrary and capricious nature of the decision.

“In addition, we will be teaming up with other tribes to aggressively call for oversight hearings on the injustice occurring at the Interior Department,” said Tribal Chief Lorraine White. “We find this decision and the new policies to be highly suspect and we question the motivations behind this policy that appears to be prompted by the super-charged political fancies and whims of the Secretary, to say nothing of the influence of special interest groups.”

“This is one of the most asinine, incompetent Secretaries in the history of the Interior,” said St. Regis Mohawk Tribal Chief James W. Ransom. “He is in effect reversing a two-part determination and FONSI based on personal opinion and that is completely wrong and illegal.”

The two-part determination and FONSI already concluded that taking the Sullivan County lands is in the best interest of the Tribe. The Secretary’s most recent determination conflicts with those decisions.

The \$600 million Monticello casino project involves construction of a grand 766,000 square-foot two-story casino and entertainment complex featuring approximately 125 table games, 3,500 slot machines, 24 poker tables, and numerous restaurant and retail venues. It is expected to generate more than 3000 permanent jobs.

Empire Resorts, the Tribe’s development partner, will continue to look at every opportunity to realize the promise of jobs and economic opportunity this project will bring to the people of Sullivan County.

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*Courtesy of [Victor Rocha](#)*