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Tribe Looks to End Old Exile, but Casino Plans Lead to Conflict



Mark Holm for The New York Times

The Apache Homelands Entertainment Center, which is now operating as just a small rest stop, sits by itself off Interstate 10 in southern New Mexico.

By DAN FROSCH

AKELA FLATS, N.M. — On a dust-swept strip of Interstate, not far from the Mexican border, sits a small rest stop where weary truckers trickle in day and night, slump down at the handful of tables inside and order a half-pound burger or a cup of coffee.

Unbeknown to many who end up here, they have happened upon the land of the Fort Sill Apache, the newest Indian reservation in the country and, at just 30 acres, the tiniest.

No tribal members live on the reservation yet. The Fort Sill Apache, who trace their lineage to Geronimo, were driven from New Mexico more than a century ago, and the largest population concentration now resides in Oklahoma. But they still consider this area their ancestral home.

Now, one year after the federal government designated the roadside plot as the tribe's sole reservation, the Fort Sill Apache are mired in a dispute over their efforts to transform the lonesome site into a casino.

The hope, said Jeff Haozous, the tribal chairman, is that a casino will generate enough money to buy additional land and compel some of the 700 enrolled tribal members to come back.

"There is a serious difference between our situation and any other case, in that we're returning to a place from which we've been exiled for over a century," Mr. Haozous said as a customer strolled past a wall of photos showing stone-faced Apaches, some draped in traditional garb and others in stiff suits, gazing out on the room.



Mark Holm for The New York Times

The land of the Fort Sill Apache, the newest Indian reservation in the country, is, at just 30 acres, the tiniest.

According to tribal history, the Fort Sill Apache descend primarily from the Warm Springs and Chiricahua Apache bands, who were held as prisoners of war by the United States government in Alabama and Florida before being moved to Fort Sill, Okla.

The tribe bought the New Mexico parcel in 1998 for \$30,000, and the land was put in trust for it by the federal government in 2002.

Sitting between Tucson and El Paso on Interstate 10, the rest stop is a natural way station for travelers and has been operating as the Apache Homelands Entertainment Center since 2008.

But casino gambling on Indian lands is a highly competitive and frequently controversial business that can pit tribes against federal and state regulators — and even one another. Whether the Fort Sill Apache will get approval for a casino is unclear.

The federal [Indian Gaming Regulatory Act](#) largely prohibits gambling on lands acquired after Oct. 17, 1988, with certain exceptions. Previous efforts by the tribe to get approval for gambling have failed.

In 2008, believing that the National Indian Gaming Commission, which helps regulate Indian casinos, would ultimately approve their plans, the Fort Sill Apache tried to open a temporary bingo hall here.

But Bill Richardson, the governor at the time, ordered the state police to block access to the building, saying the tribe lacked the authority to operate a casino. The next year, the National Indian Gaming Commission issued a violation to the tribe for running a gambling operation on the site.

Phillip Thompson, the tribe's lawyer, said the Fort Sill Apache had appealed the violation and contend that they should qualify for gambling based on their unique history.

"If they are not allowed to develop anything in Oklahoma or New Mexico, where is their existence?" he said, adding that the Fort Sill Apache also own a casino in Lawton, Okla., but are prohibited from acquiring additional land there without permission from three other tribes in the area.

This spring, the Fort Sill Apache also filed a gambling application with the Interior Department, which can grant an exception to the Indian Gaming Regulatory Act.

A spokeswoman for the department, Nedra Darling, said it would determine whether gambling is in the tribe's best interest and whether it would be detrimental to the surrounding area. If the application is approved, the department will also seek the support of Gov. Susana Martinez of New Mexico, who could potentially block the casino.

So far, Ms. Martinez has opposed the idea.

"When the land was placed in trust, there was an understanding that the tribe would not take part in gaming," Scott Darnell, a spokesman for the governor, said in an e-mail. "It was a premise of the discussion at the time and was based on representations made by the tribe."

Reaction in New Mexico's Indian Country, where tribes operate more than a dozen casinos, has been mixed.



Mark Helm for The New York Times

The Fort Sill Apache, who were driven from the state, are "returning to a place from which we've been exiled for over a century," said Jeff Haozous, above, the tribal chairman.

The Pojoaque Pueblo wrote a letter to Mr. Haozous expressing support for the Fort Sill Apache's "economic initiatives." That tribe's two casinos are some 300 miles away.

The Mescalero Apache, who operate the Inn of the Mountain Gods Resort and Casino about 150 miles away, the nearest tribal gambling operation in New Mexico, are against the proposal, Mr. Haozous said.

Sandra Platero, vice president of the Mescalero, declined to comment about the issue.

In nearby Deming, some hope that the casino will provide an economic boon to Luna County, which has an unemployment rate of about 12 percent.

"I think it's a good idea," said Linda Franklin, Deming's mayor pro tem. "They have proven they are a tribe. They are from the area. I think we all need to live and work together."

On Friday, the tribe held a celebration here, commemorating the first anniversary of its reservation proclamation.

Mr. Haozous said he hoped that a decision on the casino would come next year.

"This would be the achievement of a goal that has been held by the Chiricahua people since 1886, when they were removed from the Southwest," he said. "To return home."

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