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Fort Sill Apache Sues National Indian Gaming Commission Over Five Year Delay on New Mexico Casino Closure

Lawsuit Filed After Gaming Commission Fails to Rule on Appeal of Arbitrary Closure of the Apache Homelands Casino

Akela, New Mexico (June 9, 2014) — Today, the Fort Sill Apache Tribe filed a lawsuit against the National Indian Gaming Commission after waiting for half a decade for the agency to review the Tribe's appeal of a notice of violation that its Chairman issued to the Tribe in 2009. (Read the entire complaint [here](#).)

"We are asking the court to do what the NIGC promised to do five years ago: review our case in a reasonable amount of time," said Tribal Chairman Jeff Haozous.

In 2009, Phil Hogen, then Chairman of the NIGC, issued a notice of violation to the tribe for conducting bingo at its site in Southern New Mexico, threatening fines of nearly a million dollars a month. Facing this potentially devastating risk, the Tribe agreed to close the operation while the agency conducted an "expedited review" of the case. The NIGC agreed to complete the review in 2009.

"We were concerned about the motivation behind the former chairman's action and the legal theory used to justify it. We were troubled that it violated the agreement the United States made with us in 2007, an agreement that we relied upon when deciding to offer bingo at our reservation. We were looking forward to the expedited review, but after waiting so long, it's apparent that the agency isn't going to honor that agreement either, despite promises to the contrary over the years," Haozous added.

The lawsuit asks the United States District Court in Washington, D.C. to act because the Commission will not, and to vacate and invalidate the Commission's notice of violation as arbitrary and capricious and in violation of federal law.

"Our people have long experienced broken promises from the Federal Government, from the peace treaty with Mangas Coloradas in 1852, to the agreement with Geronimo in 1886 to return our people to their homelands after two years, to the agreement in 2007 which would have enabled us to be there now, and finally to the agreement in 2009 for an expedited



review,” said Chairman Haozous. “Geronimo couldn’t go to court, but we can. Perhaps now we can finally receive the justice that’s been denied us for so long.”

The Fort Sill Apache Tribe is the successor to the Chiricahua & Warm Springs Apache Tribes. In 1886, they were taken as prisoners of war by the U.S. Army and removed from their homelands of southwestern New Mexico and southeastern Arizona to Florida, Alabama and Oklahoma, where they were released. They organized as the Fort Sill Apache Tribe after a Federal Court affirmed their claim for the loss of over 14.8 million acres of their homeland. The Tribe has always maintained both its independence as Chiricahua – Warm Springs Apaches and its desire to return to its rightful home. After receiving an invitation from the Governor of New Mexico in 1995 and again in 2000 to return to New Mexico, the Tribe purchased the property at Akela Flats in 1998. It was made tribal trust land in 2002 and designated a Reservation in November 2011. In 2014, the New Mexico Supreme Court recognized the Tribe’s place in New Mexico and mandated that the Governor include the Fort Sill Apache in all Government to Government meetings and negotiations.

For more information and updates on the Tribe, please follow us on Twitter (@FortSillApache) and Facebook (Fort Sill Apache Tribe New Mexico).

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