



November 23, 2011 – LCSun-News.com - [Fort Sill Apache granted reservation](#)

By Diana M. Alba

LAS CRUCES - An Oklahoma tribe learned this week it will be granted a reservation just off the interstate between Las Cruces and Deming.

Fort Sill Apache Tribe leaders are optimistic about the news, which they received Tuesday afternoon, said tribal Chairman Jeff Haozous. The status isn't a prerequisite for establishing gaming at its 30-acre parcel in Akela, but it is meaningful, he said.

"This is more symbolic than anything, but we're hopeful this is a step in the direction of our eventual repatriation," he said. "It's the first time we've had a reservation since 1877."

The tribe, based in Lawton, Okla., are descendants of bands that once roamed southern New Mexico, southwestern Arizona and northern Mexico.

The approval is from the U.S. Department of Interior's Bureau of Indian Affairs.

The Fort Sill Apache Tribe has said its sights are set on returning to New Mexico, a plan that includes opening a gaming casino on the 30 acres. The land, acquired by the tribe in 1998, already is held in trust for the tribe by the federal government. The tribe now runs a smoke shop and cafe in a building that it initially tried to open as a casino in early 2008.



In the late 1800s, tribal bands were relocated as prisoners of war to Florida and later to a military base in Oklahoma.

The tribe settled a legal dispute in 2007 with the federal government and other Oklahoma tribes that called for federal officials to "timely process" an application for a reservation. The Fort Sill Apaches had argued that the settlement opened the door for them to establish a casino on its southern New Mexico parcel.

State says 'no'

Asked about Gov. Susana Martinez's stance toward the Fort Sill Apache casino proposal, spokesman Scott Darnell on Thursday referenced a July 6 letter from the state of New Mexico to the National Indian Gaming Commission.

"The NIGC still must rule on the gaming issue," he said in an email.

Signed by Martinez's general counsel and the state gaming control board attorney, the 30-page document argues that the tribe fails to meet all National Indian Gaming Act requirements that would allow for it to conduct gambling. Plus, it contends the Fort Sill Apaches' interest in southern New Mexico is "about gaming and gaming alone," considering the tribe has opportunities for economic development and housing elsewhere.

The state, in its July letter, indicated that the tribe's 239 historical members who were released from imprisonment "had various choices." About two-thirds chose to move to the Mescalero Reservation in New Mexico, "where they were absorbed into the existing tribe, and, presumably are currently enjoying the fruits of the economic endeavors of the Mescalero Nation, which includes gaming." Others were absorbed into the Comanche Nation.

And, "a small number decided to stay in Oklahoma under the rubric of the Fort Sill Apache Tribe of Oklahoma," the state's attorneys wrote. "Those tribal members, to their credit, made a choice and are currently involved in gaming at Ft. Lawton ..., as well as other economic activities at Akela Flats."

The federal Indian gaming law was "not designed to be the economic cure-all for all tribes," according to the letter. Still, the attorneys suggested the Fort Sill Tribe might pursue the right to game under a two-part test that's outlined in federal gaming legislation.

The Jemez Pueblo of northern New Mexico attempted to establish a casino in Anthony under that route but was rejected this year by federal officials. Haozous said earlier this month he's considering it as an option.

'Thankful'

The Fort Sill Apache tribe consists of about 685 members. About 25 percent live in the Lawton area; 25 percent live in other areas of that state; and the remainder live outside Oklahoma, according to Haozous.

Haozous said the tribe was notified of the reservation approval via an email from its attorney. He said, however, it still must be finalized with a notice in the Federal Register.

"We're very thankful and hopeful," he said. "Hopefully, it's the first step in a long journey home, really."