



Saint Regis Mohawk Tribe

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Chief Barbara A. Lazore
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PRESS RELEASE

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ST. REGIS MOHAWK TRIBE CALLS ON CONGRESS TO INVESTIGATE DOI *Chief Lorraine White Testifies Before House Resources Committee Hearing on DOI Policy Guidance*

Washington, DC – The St. Regis Mohawk Tribe (SRMT) of New York called on Congress today to initiate an independent investigation of the Department of Interior’s (DOI) development and implementation of a “policy guidance” governing fee-to-trust applications and outlined how DOI improperly used this policy to deny SRMT’s fee-to-trust land acquisition application for a Monticello, NY casino project in testimony before the House Natural Resources Committee hearing entitled: “Department Of Interior’s Recently Released Guidance On Taking Land Into Trust For Indian Tribes And Its Ramifications.”

On January 4, 2008, the DOI denied the St. Regis Mohawk Tribe’s long pending and fully completed fee-to-trust application to place approximately 29 acres of land located in Sullivan County, New York into federal trust status to construct a casino project at the Monticello Raceway site. The denial was solely based on a new “commutable distance” rule, which was created without adherence to the customary notice and comment federal rulemaking requirements and issued through an internal DOI memorandum dated January 3, 2008, signed by Assistant Secretary for Indian Affairs, Carl J. Artman.

Under a new “commutable distance” factor (defined as: “the distance a reservation resident could reasonably commute on a regular basis to work at a tribal gaming facility located off-reservation.”) the DOI created a new rule governing gaming related fee-to-trust applications: “[N]o application to take land into trust beyond a commutable distance from the reservation should be granted unless it carefully and comprehensively analyzes the potential negative impacts on reservation life and clearly demonstrates why these are outweighed by the financial benefits of tribal ownership in a distant gaming facility.” This new rule dramatically altered existing law without Congressional approval and violated the basic due process rights of the Mohawks and other tribes.

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“We are here in D.C. to speak specifically for the St. Regis Mohawk Tribe, but we also feel that the Interior’s new guidance is an astonishing offense to all of Indian Country’s 21st Century sensibilities,” said Tribal Chief Lorraine White. “We thought the days of the Indian agents telling us what was good for us and keeping us annexed to the reservation and confined to forts were long gone. Clearly, we all still need to fight hard for our right to self determination. It is only tribes, Native people ourselves, who can determine what is in our best interests.”

The SRMT can clearly and easily demonstrate that tribal members commuting to work at the casino site would not harm the tribal community. Mohawk tribal members have a long and distinguished history of commuting hundreds of thousands of miles to work, in fact the Smithsonian Institution has a permanent exhibit paying homage to this Mohawk legacy.

Finally, St. Regis called on the Committee to initiate an independent investigation of the Department of Interior for: failure to provide notice and comment for its new rule, as required by federal administrative law; for failure to rely on or point to any factual basis to support the denial of the St. Regis Mohawk application; failure to provide the SRMT an opportunity to address the new “commutable distance” rule; and, for unreasonable delay of action on the SRMT application for nearly a year, which not so coincidentally set the stage for a development of competitive project several miles away.

Tribal Chief Barbara Lazore was also present for the hearings and spoke at the press conference. “This is a policy that never should have seen the light of day. Tribes were never given an opportunity to weigh in on the new distance ‘rule,’” said Chief Lazore. “For the Mohawks, after 12 long years of overcoming a riddle of challenges and hurdles, we have been dealt a fatal sucker punch. Now, without ever having been heard, the guidance has resulted in a devastating consequence and our project is now dead. The St. Regis Mohawk Tribe for one, is calling on Congress to investigate the Interior and to withdraw this unlawful policy fraught with dreadful paternalistic undertones.”

Prior to the hearing, Tribal Chiefs Lorraine White and Barbara Lazore were joined by Akwesasne Mohawk Ironworkers, Mike Swamp, Business Manager, Ironworkers Local 440 and Steve Thomas and Richard McDonald, Ironworkers Local 440 at a press conference. For photos or materials distributed at the press conference please contact: Leslie Logan at leslie.logan@srmt-nsn.gov

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