

# GAMINGLEGALNEWS



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## NEWLY RECOGNIZED AND SEARCHING FOR A CASINO LOCATION ON LONG ISLAND

by Dennis J. Whittlesey

Less than a year ago, the Shinnecock Nation won its decades-long (and very expensive) battle to win federal recognition from the Department of the Interior's Office of Acknowledgement and Research. Many observers initially saw that victory as somewhat "pyrrhic" because of legal challenges mounted by people who had no ostensible vested interest in the matter but nonetheless would not disclose the source of funding to sustain their opposition activity. However, continuing its persistent and dogged drive to secure status clarification, the Nation survived those initial challenges, secured a final decision for tribal recognition in October 2010, and now is shopping for the best possible location for a gaming resort within its historic territory.

The Shinnecock historically occupied one of the most intriguing geographical areas in the country: virtually all of what today is known as Long Island, New York.

While property owners in the lush Hamptons on the island's east end are nervously watching the tribal site identification activity, the current area being considered for casino development seems to be closer to New York City. It includes Suffolk County, Queens, and Riverhead. And the current favorite location appears to be somewhere in heavily-populated Nassau County somewhere near the Nassau Coliseum. The neighboring wealthy population almost certainly would actively oppose gaming anywhere close to that site, and there also is a question of whether the administration and student body of nearby Hofstra University would join the battle.

It is an old adage that nothing is set in concrete. Nonetheless, the Shinnecock leadership is confident that their tribal recognition will not be overturned by any legal challenges to come, and this resolve is underscored by the comments of one tribal leader: "We have waited hundreds of years for recognition, and a few more months more are insignificant to what it would mean for our people." The rejection of any thought that federal recognition is anything less than final is demonstrated by the fact that Nation is spending a great amount of

time and money searching for the “perfect place” on which to develop an economic project believed by many to be a surefire success.

Meanwhile, there has been a great deal of speculation as to the identity of the entities or individuals willing to invest a vast amount of money to at least delay the opening of a Shinnecock casino. Tribal leaders have their own short list of “usual suspects” (think *Casablanca*) but philosophically look forward with the same positive approach to land acquisition that they have demonstrated for so many years. They have come a long way and have a bright future planned for the years to come.

One Shinnecock leader has even privately stated that not even “foreign money” can stop them now.

## WHAT IS OKLAHOMA DOING TO ITS NATIVE AMERICAN POPULATION?

by Dennis J. Whittlesey

When last November’s election results became known, many political pundits proclaimed Oklahoma’s Legislature as the “most conservative in the nation.” They didn’t realize that it quickly would earn another “most” award within a matter of months into the new legislative session for its work in dealing with the state’s Native American population.

Recent activity has now placed Oklahoma at the front of the line for recognition as the most anti-Indian state legislature in the nation. In fact, the Legislature’s actions and non-actions of May 18 probably make that single legislative day the second greatest in the history of anti-Indian activity for any legislative body. Of course, the single worst legislative day for Indians came during the Administration of President Andrew Jackson when the Congress of the United States enacted the Indian Removal Act leading to the relocation of tens of thousands of American Indians away from the East Coast. While the good news for Indian Country is that the Removal Act will never be duplicated, the recent actions in the Oklahoma Capitol are chilling not only to tribes within the Sooner State but elsewhere across the country.

Over the years, the Oklahoma House and Senate have featured some of the most wonderfully colorful politicians in the country, although our friends from Louisiana proudly challenge any state to duplicate their native son and former Governor, “Uncle Earl” Long. While stories of Uncle Earl are legendary, the current Oklahoma crew is setting new standards in its treatment of the state’s Native American population that defy explanation for a state boasting that it has avoided many of the economic problems confronting others.

The legislature set new standards for itself with two separate actions in a single day. The newest Day of Infamy for Oklahoma’s Native Americans is May 18, 2011.

The events of May 18 came in rapid succession. First, the Senate President Pro Tem Brian Bingman (R-Sapulpa) announced that the Republican majority was killing a \$40 million bond issue to finish the long-planned, widely praised, and much-anticipated American Indian Cultural Center and Museum in Oklahoma City. In doing so, they even rejected pleas from their own leader, Republican Governor Mary Fallin, who actively worked to secure passage of the measure. This means that the partially completed facility at a very prominent site visible from the intersection of Interstate highways 35 and 40 will continue to be a construction zone for the foreseeable future, if not indefinitely. The cost of abandoning the project is estimated at \$209.1 million, including \$91 million already invested in construction, \$38.1 million in demolition costs, and \$80 million in lost state tax revenues over 20 years.

And at almost the same hour of the same day, the House of Representatives voted 57-36 to disband the Oklahoma Indian Affairs Commission. The floor debate featured such arguments in favor of the action as saving the expense of operating the office, including hiring an executive director and two employees. Curiously, the sum “saved” by this action will be transferred to the Governor’s office budget.

Needless to say, Oklahoma would like for its tribal casinos to contribute a larger share of their gaming revenue to help finance the state government’s operations. Meanwhile, the Legislature cut Oklahoma’s already-depleted education budget by another five percent.

Oklahoma’s favorite son is Will Rogers, the internationally acclaimed humorist and member of the Cherokee Tribe. Rogers tragically died in an airplane crash near Barrow, Alaska, in 1935. And, as many readers know, Will Rogers famously said, “I never met a man I didn’t like.” Oklahoma’s favorite son died 76 years ago. It is a certainty that he never met any person currently serving in the Oklahoma Legislature.

The author is a native of Sapulpa, Oklahoma, as is State Senate President Pro Tem Brian Bingman.