

Business League Meets to Discuss Strategies

The following was sent as a Letter To the Editor, April 18, 1996.

Dear Indian Time,

Since press people were asked to leave the meeting I thought I might share some information from the discussions with the community. The following is enclosed for you to use in it's entirety or as you see fit:

Helena, N.Y. - The First Nations Business League met here at the Cedar View Golf Course this past Monday to discuss strategies in tackling the State of New York's efforts to impose a tax on cigarette and gasoline wholesalers who do business with Indian Tribes. As a coalition of independent Native businessmen, the League was formed in December 1995 to defend the sovereignty of Native Nations. The Mohawk Tax Steering Committee of the St. Regis Mohawk Tribe and the Tribe hosted this League meeting.

The highlight of the gathering focused on strategies the League could pursue to challenge the proposed State tax regulations. "There were three fundamental strategies that came out of our meeting last week," said Harry Wallace of the Unkechaug Tribe on Long Island, in reference to a meeting of ten

lawyers in Washington, D.C. "The first is that we plan to challenge the legality of the regulations. The regulations are a violation of the State Constitution, because the State Legislature did not pass these regulations. The Tax Commissioner exceeded his authority," explained Wallace.

The second strategy Wallace addressed centered on the retailers. "The retailers can challenge the regulations based upon the fact that it is an undue burden on them in regard to tax collection," he said. The third strategy focused on Tribal governments. "Indian governments can challenge the regulations based on the fact that it places an improper burden on their government for collection purposes," added Wallace.

"Let's assume we win all those cases," said Wallace. "New York will enact new laws. Eventually they will get it right at some point," he continued. "These lawsuits are holding patterns. They might last 2 years, ten years, or our lifetime. We still have to decide what happens afterwards. But, whatever we do, we do not want to jeopardize our treaties," he said. Reference was made to a column by Doug George in the Syracuse Herald American, which was included in

the registration packets. George's column stated the courts were not the place to fight Indian rights, particularly in light of the recent U.S. Supreme Court case involving the Seminoles. That decision said Indian governments cannot sue states for failing to negotiate gaming compacts.

"It's taxation without representation," said Ross John, Sr., Chairman of the First Nations Business League about the State's proposed tax regulations. "We agreed we wouldn't have that kind of representation in our treaties."

But before a strategy can be agreed upon, the League requires more substance, more integrity said its leader. "We're walking into a new age. We need some creative thinkers to determine how to proceed," said Ross John. "We need to move forward with a certain amount of integrity," he added.

"If we're going to carry on as Nations, as a people, we're going to have to get together. Our battle is with the State," said Ross John, Sr. "It's time we started to get together. It's time we were big enough to all sit in the same room and listen to the issues," he said, referring to those who oppose the League.

John encouraged everyone to attend a rally in Albany scheduled for May 14, 1996 at the capitol building to protest the State's proposed tax regulations. "The Business League will be paying for the transportation for anyone who wants to go," said John. "Some people are saying we're just a conglomerate of bandits and hoodlums. We know this," said Wallace. "But the rally will show them its not just a group of businessmen doing this," he added.

The State has said it will impose its tax regulations on July 5, 1996 the end of the 120-day deadline it established in February. To date, the State has only met with representatives of the Iroquois Confederacy. The Confederacy has yet to issue any public statements regarding its discussions with the State officials.

As for its negotiations with the State, Tribal Chief Phil Tarbell at an afternoon press conference said, "we have refused to negotiate with the State until it removes the 120-day deadline. And so far the State has said it will not remove the deadline from the table." Included in the packets handed out at the registration table were copies of letters the Tribe has sent to the State. Both letters reinforce the Tribe's unwillingness to negotiate with the State unless the deadline is lifted.

"We impose a fee to our retailers, who pay it," said Tarbell. "That helps support our services to the community," he added.

"We have a self-less interest," said Wallace of the League, adding, "there's no denying that. We do want to become involved in a positive aspect in people's lives."

At Akwesasne, Randy Jock, a member of the Mohawk Tax Steering Committee and member of Akwesasne's Fuel Petroleum Dealers Association said, "We support our community financially. We recently bought a new fire truck for the community." The Fuel Petroleum Dealers Association, receives one cent of the four cents per gallon fee the Tribe collects from the gas retailers for its community fund. The Mohawk Tax Steering Committee has had printed postcards that individuals can send to Governor Pataki indicating their opposition to the proposed tax on gasoline and cigarettes. The postcards are available at most of the gas stations and restaurants in Akwesasne.

"We'd like to try to build tribal economics and tribal businesses so we can consider other ventures," said John. "We're first generation business owners, give us some time to work out our kinks," he added. "If the tax is imposed, that would mean lost dollars for economic development for each individual Indian community," said Tarbell.

"If the tax is imposed," said John, who added, "we'll have to see how bad it hurts. We're always in a battle with the State. If they wanted to understand our sovereignty and look at the big picture and realize we have sovereign rights, then maybe they would look at economic development options with us."

Although strategies to battle the State were presented at the meeting, no specific strategies were agreed upon by the League's members. However at the Washington, D.C. meeting, it was agreed the League would retain a lobbyist.

Approximately 200 individuals attended the meeting including representatives of the League from the Mohawk, Seneca, and Tuscarora and Kahnawake Nations, the new Onondaga community - Tio Wen Tioh at Jamesville, NY, and from Long Island, the Unkechaug and Shinnecock Tribes. The meeting was opened with a traditional Mohawk opening.

Signed, Kaneratontha



PUBLIC NOTICE OF AVAILABILITY

AGENCY: National Indian Gaming Commission
ACTION: Public Notice

SUMMARY: This notice advises the public that an Environmental Assessment (EA) has been prepared for the proposed development of a Class II and III gaming facility by the St. Regis Mohawk Tribe. The project site is located on both reservation and continuous fee land on the eastern edge of the community of Hogsburg, Franklin County, New York. This EA is available for public review.

FOR FURTHER INFORMATION CONTACT:

Ms. Terry Pfitzenreuter Heide
National Indian Gaming Commission
1441 L. Street N.W., 9th Floor
Washington, D.C. 20005
Area Code: (202) 632-7003

SUPPLEMENTAL INFORMATION:

This EA was prepared to meet the requirements of the National Environmental Policy Act of 1969, as amended (NEPA). The Federal action requiring compliance with NEPA is the approval of a management agreement between the St. Regis Mohawk Tribe and President Riverboat Casinos - St. Regis Management Company. The purpose of the proposed action is to increase economic development and to provide jobs and revenue for the Mohawk Tribe.

The environmental assessment process indicates that with the completion of various mitigations, the proposed action will not significantly affect the quality of the human environment. This determination was based on the following factors: there will be no impacts to water or land resources, to air quality, to any properties listed on or eligible for inclusion on the National Register of Historic Places, to any threatened or endangered species, or to any other resource, and will benefit the socioeconomic resources of the St. Regis Mohawk Tribe. It is anticipated that a Finding of No Significant Impact will be signed at the end of the public comment period indicating that an Environmental Impact Statement will not be prepared.

COMMENTS ACCEPTED UNTIL: 5:00pm Est, Wednesday, May 1, 1996.