Indian Affairs - Office of Public Affairs

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Interior Assistant Secretary Ken Smith has denied the request of an Oklahoma tribe to have off-reservation land given U.S. trust status to allow the tribe to operate a bingo game free of state regulation.

In rejecting the request of the Kaw Tribe to have five acres of land in Kay County, Oklahoma, taken in trust by the United States, Smith said he considered the legal and political impact on all tribes, not just the tribe making the request.

Smith told M.M. Chouteau, chairman of the Kaw tribal business committee, in an August 17, letter, that he did "not believe that the Department should necessarily extend trust status to parcels of land located off-reservation solely for the purpose of accommodating these (bingo) activities."

Smith explained in his letter that the Secretary of the Interior has discretionary authority to take lands in trust for Indian tribes, but Departmental regulations set forth a requirement that off-reservation acquisitions should be "made only under exceptional circumstances" and "to further certain essential tribal programs."

Generally, when lands are taken in trust for a tribe, they are within the boundaries of a reservation or contiguous to it.

In recent months, since high stakes bingo games have become an important source of revenue for some tribes, there has been publicity about the possibility of establishing new reservation areas for bingo purposes in a number of communities. A town in Ohio, for example, has offered land to the Miami Tribe of Oklahoma and two cities in Minnesota have offered land to tribes in that state.

The Assistant Secretary said that each request for off-reservation lands to be put into trust will be evaluated on its own merits. He added that in the Kaw request, particular attention was given to the use intended for the land and potential jurisdictional conflicts.