

Public Domain

by Steve Krulick, Senior Civics Columnist

Beware the Sucker Bet, Part 3

"He has some kind of charm, some kind of charisma that people respond to. I find it amazing that someone could fool so many people for so long. It turns out there is no tribe and he's no chief"

– Steve Comer, a descendant of the Stockbridge-Munsee Mohicans

When I submitted my first column in this series, about the Modoc tribe's attempts to build a casino in Wawarsing, the *Journal's* publisher hesitated to run it until I removed all references to a particular person, for fear the paper might be sued. Though this is always a risk when standing up to well-heeled and litigious entities (such as big-box stores, casino developers, and others noted for bullying tactics), I felt the story needed to be told, and the person in question was peripheral enough to be circumnavigated without crimping the essential message, so I reluctantly accepted the excisions.

This is not the case with "Chief Golden Eagle," a/k/a Ronald A. Roberts, who is central to the whole scheme built upon the viability and credibility of the Western Mohegans as the necessary Indian front for the ultimate casino interests seeking to locate a huge new facility in Wawarsing.

I have never met the man, or any of his backers, lobbyists, lawyers, or followers. Perhaps that has allowed me to maintain greater objectivity, to focus on the salient facts of the case, as reported by the federal government, the courts, and diverse reporters, without getting caught up in a reality-distortion field that has apparently fogged the analytical skills of some local officials and reporters (including one for this paper) who have let themselves be schmoozed into a heightened state of suggestibility and, dare I say, gullibility.

Space does not permit me to fully cite each article and US Attorney's brief used as source material, but I've posted them at <http://journal.kryolux.us/chief/> where you can read and decide for yourself whether the *Journal's* July 24th article (<http://www.ellenvillejournal.com/2008/07/24/index.html>) sets the "Record Straight," as headlined, or sets it spinning. One can try to dismiss all this evidence with a mere hand-wave and side-stepping strawman arguments, but that refutes none of it.

Several articles I've researched, even critical ones, speak of Roberts as "charismatic" and impressive. Even so, he hasn't persuaded everyone of his authenticity, trustworthiness, or sincerity of motives, and his history of outrageous claims, lawsuits, and self-admitted fraud is hard to gloss over or dismiss... except by those who are willing to be blinded and lulled by sweet-talk about potential dollars (that may or may not ever materialize), or for those the "guilt card" may cow.

All the public tears, appeals for a second chance, public relations whitewashing, and claims of government or media bias "in an effort to discredit and defame" Roberts can't dismiss the simple facts. Here, for instance, United States Attorney Glenn T. Suddaby laid out the official position of the United States government in a 2007 amicus brief filed in a suit brought against Ulster County by the Mohegans regarding payments in lieu of taxes for the former Tamarack property:

"On March 28, 2002, the United States charged Ronald Roberts, the leader of the Western Mohegan group and the author of the primary factual affidavit submitted in support of Plaintiffs' summary judgment motion, with eight criminal counts relating to making false statements or submitting false documents in a bankruptcy proceeding and in a submission to the Department. See *United States v. Roberts*, No. 1:02-CR-00111 (LEK) (N.D.N.Y.). On February 6, 2004, at the end of the second week of a jury trial, Mr. Roberts entered pleas of guilty to making and using, and causing to be made and used materially false documents in a matter within the jurisdiction of the Executive branch of the United States, by presenting to the President and the Secretary of the Interior 'A 1st Amendment Petition for a Redress of Grievances From the Western Mohegan Tribe & Nation of New York,' knowing the same to contain false and fictitious documents, in violation of 18 U.S.C. § 1001(a)(3).1

"[The testimony at this trial included evidence that false documents, including a false death certificate, were submitted to the Department by Mr. Roberts on behalf of the Western Mohegan group. The evidence also indicated that in May 1996 Mr. Roberts had submitted a formal application for membership in the Mashantucket Pequot tribe (a federally-recognized tribe) using the falsified death certificate.]

"Mr. Roberts also pled guilty to a charge of making a false declaration as to his social security number under penalty of perjury in a bankruptcy proceeding. Mr. Roberts was sentenced to two five-year terms of probation to be served concurrently, six months of home detention, and over \$28,000 in fines and restitution."

"He admitted, as we had charged, that he knowingly and willfully submitted fake documents in support of that application," Assistant US Attorney Rob Storch, who prosecuted the case, said. "In our view, he did so because of the strength of the evidence against him." Storch said Mr. Roberts is the first person he knows of who has been convicted in the submission of false documents to the Bureau of Indian Affairs. That's a felony, making Roberts an ex-felon.

I don't mind that Mr. Roberts has a colorful and varied background as slate seller, actor, country singer, gospel preacher, and nightclub entrepreneur – which might suggest, to some, the talents and modus of a successful con man – but I do care that he tried to fool or bully tribes, local governments, states, and even the federal Bureau of Indian Affairs which, according to the NY Times, "told him in a letter in September 1998 that his claims simply were not believable, since the bureau's genealogists had a copy of the real 1845 census and managed to obtain his grandfather's death certificate. They also found dozens of other mistakes in his genealogy and raised questions about the authenticity of a list of tribal members he had claimed his aunt wrote in 1928." (And though the *Kingston Freeman* reported Roberts stepped down as chief of the "tribe" in 2002, citing health reasons, he now seems to have re-assumed, or at least continues to use, the title, and claims the Tamarack property is "sovereign tribal ground.")

Or, how can one claim to be in one tribe, the Mohegans – indeed, an entitled chief – yet apply for membership in other tribes (unsuccessfully, it seems, including being rebuffed by the Stockbridge-Munsee Mohicans as well as Mashantuckets)? Oh, it's possible that Roberts may even have *some* Indian DNA, but that wouldn't prove his claimed lineage or status, or the authenticity and continuity of a specific Mohegan tribe which, in spite of no US recognition, filed suit in March 2003 against NY's governor and 10 counties – including Dutchess, Columbia, Sullivan, and Greene – seeking the return of tribal lands and rent for the last 200 years on 900,000 public acres.

"...the Western Mohegan group improperly asserts that the United States has implicitly or explicitly recognized the group as an Indian tribe under federal law. The Western Mohegan group is not on the list of federally recognized tribes – the definitive statement of which tribes are recognized by the federal government. And the recent correspondence and other incidental contacts between United States officials and the Western Mohegan group cited by Plaintiffs do not support a claim of federal recognition of tribal status." (*US brief*)

In the suit against Ulster County, the Mohegans were trying to get the court to tacitly accept their tribal status by not contesting Ulster County's "recognition," which has *no* legal standing, though Roberts and his backers keep flogging that unicorn. This was the US government's major concern, as "the determination of whether a group constitutes an Indian tribe under federal law is enormously detailed and turns on specialized expertise. See 25 C.F.R. Part 83. This determination is not well-suited to resolution in court."

So, if this is beyond the expertise of the judiciary, how much more so is this beyond even "recommendation" by a totally unqualified village or town board? In 2001, then-Wawarsing Town Attorney Jeff Kaplan, now Ellenville mayor, didn't feel so empowered: "Obviously, we don't have many Indian tribes or groups contending to be Indian tribes in the Town of Wawarsing. So we have turned to the Department of the Interior to determine what documentation is necessary to prove the tribe's legitimacy." It's still not too late to rescind.

Next: Why casino gambling is a loser.