



Tribal interests

Gaming commission should abide by original agreement

April 17, 2013 12:25 PM

Perhaps we should not be surprised about the ugly sausage-making at the Massachusetts Gaming Commission and the state Legislature. After all, some of the wealthiest and most powerful casino investors in the world are jockeying for a piece of the Bay State's action. The special-interest influences behind the scenes are surely applying pressure and currying favor, the extent of which we will never know — though it's fair to assume, understanding what is at stake, few arms are left untwisted.

But it is troubling nonetheless that the commission is poised to open Southeastern Massachusetts to mega-casino interests, rather than hold the region for the Mashpee Wampanoag as promised when the Expanded Gaming Act became law two years ago. Such a decision runs the risk of expanding casino gaming, exposing the state to more legal wrangling, and damaging the commonwealth's credibility with the Mashpee Wampanoag.

It's fair to say the Mashpee Wampanoag are one of the two key reasons casino gaming was legalized in Massachusetts in the first place. When the tribe was recognized as a sovereign nation by the federal government in 2007, the casino debate took on new life, as lawmakers realized the tribe could pursue certain gaming interests without any cut going to the commonwealth.

The other reason, of course, was the country's economic downturn. Suddenly, the prospect of millions pumped into the state coffers from the casinos was attractive.

Thus, a decadeslong debate that ended almost annually with the defeat of casino legislation was turned around, and in 2011, the Expanded Gaming Act was signed by Gov. Deval Patrick. The governor also brokered a deal with the tribe giving it an inside track to a casino in Southeastern Massachusetts in exchange for a cut of the action.

Since then, the tribe has been taking steps to secure land and gain state and federal approvals to move forward. And it has made considerable progress.

So it is unsettling to see the Gaming Commission losing patience with the tribe's effort. Apparently feeling the tribe has been slow in gaining state and federal approvals — perhaps even thinking it won't get the approvals, ever — the commission signaled it would open the region to other casino operators with the objective of granting a license in 2014 unless dramatic information "comes out of the woodwork," as commission chairman Stephen Crosby put it.

How does the tribe feel about this? Understandably, cheated. What more could the commission have expected? Or, perhaps the better question is, what is motivating the commission to take this curious action that will effectively undo a major element of the original casino legislation?

That's a question tribal chairman Cedric Cromwell was asking last week when he blasted the commission for lack of transparency in the process. "... It only seems reasonable that the tribe and the public be made fully aware of the advice on which the commission is relying to essentially ignore the legislative intent in making such an important decision," Cromwell stated. It's a fair question, one the commission refuses to answer.

Of course, we know Fall River and New Bedford lawmakers have been actively pushing the commission to open the region to other casino interests, as has KG Urban Enterprises, a commercial casino bidder that filed suit in U.S. District Court saying the preference for the Mashpee Wampanoag was unfair.

The commission is expected to take action Thursday. We hope it does the right thing and gives the tribe the time to gain state and federal approvals for a \$500 million casino in Taunton.

If it doesn't, the commission most likely can expect another lawsuit, this time from the tribe, which will have every right to feel that an agreement was breached.

Meanwhile, the tribe will continue to pursue its interests. The only difference will be, the state won't get a dime from them.