

House panel moves to block Tohono O'odham casino near Glendale

Written by Administrator
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PHOENIX - The U.S. House is making another bid to block the Tohono O'odham Nation from building a casino on land it owns near the Arizona Cardinals stadium on the edge of Glendale.

On a 35-5 vote, the Natural Resources Committee approved legislation this week that would let the tribe keep the land it bought in 2003, a year after Arizona voters approved a measure giving tribes the exclusive right to operate casinos in exchange for the state getting a share of the profits. And it would not block the O'odham from having the land made part of the reservation.

But HR 1410 would bar, until 2027, any gambling on any lands that were not part of a reservation at the time those compacts were approved. And that effectively would kill the plans for the \$550 million complex anchored by a casino and hotel.

The vote drew sharp criticism Thursday from Tribal Chairman Ned Norris Jr. In a prepared statement, he said panel members "chose politics over the facts."

Norris also accused proponents of making "multiple misleading and outrageous statements," including one by Rep. Paul Gosar, R-Ariz., that failure to approve this law means "a dangerous precedent would be set, leading to the expansion of off-reservation casinos in Arizona and in other states."

Norris said that's false because the existing law allowing them to build the casino applies only to the Tohono O'odham and would have no effect elsewhere.

Democratic Rep. Raúl Grijalva, the only other Arizonan on the panel, voted against the measure.

A similar measure gained House approval last year on a 343-78 vote but failed to get a hearing in the Senate.

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Even if the bill passes the Senate, it could hit a wall when it reaches the White House. In testimony earlier this year, Michael Black, director of the Bureau of Indian Affairs, part of the Obama administration's Department of the Interior, testified in opposition to HR 1410.

Black pointed out it was Congress itself that, in 1986, authorized the Tohono O'odham to purchase new lands in Maricopa, Pinal or Pima counties and have it become part of the reservation after a federal dam project flooded the tribe's San Lucy District near Gila Bend.

"The (Interior) Department cannot support legislation that specifically impacts an agreement so long after the fact," Black testified.

He told lawmakers his agency sees HR 1410 as establishing a bad precedent by singling out particular tribes.

"The administration has consistently held the position that fair and equal application of our laws toward all tribes is essential to upholding the United States' nation-to-nation relationship with Indian tribes," he said.

Central to the battle is the conflict between what voters were told in 2002 and what was actually in the ballot measure.

The understanding was there would be no new casinos in the Phoenix area. While the Tohono O'odham were allowed to build another casino, the presumption was it would be in Pima County.

That was backed up by language that said gambling is permitted only on existing reservations.

But there also was language saying gambling could be conducted on lands acquired later if they were "taken into trust as part of a settlement of a land claim."

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Even U.S. District Judge David Campbell, asked by foes of the casino to block it, said the land the tribe acquired in 2003 was part of such a land claim.

Other legal bids to block the casino also have proved fruitless, though several are on appeal.

Gosar, in urging colleagues to support HR 1410, said, "My support for the Keep the Promise Act is about protecting the integrity of my state's gaming compact and ultimately the future of gaming in Arizona."

Gosar also suggested the nation was not playing fair, pointing out that the tribe acquired the site in 2003 under a corporate name. The tribe didn't disclose the true ownership or the plans for the casino until 2009, when it formally sought reservation status for the parcel.

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