

## Hard to stop advance of Glendale casino

Written by Administrator  
Saturday, 09 August 2014 21:51 -

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The Tohono O'odham Nation's proposed casino project near Peoria has drawn mixed reactions. Hnedak Bobo Group The Tohono O'odham recently unveiled updated renderings of its casino project proposed near Glendale's sports and entertainment district. (Photo: Courtesy of Hnedak Bobo Group )

### Story Highlights

- Even before Arizona voters went to the polls to consider Proposition 202 in 2002, tribal leaders were working around it
- Legal objections are nearly exhausted in fighting against the Glendale-area casino, so it Glendale, which may ink a deal this week
- Tohono O'Odham leader Ned Norris, Jr., is offering Glendale \$26 million to sign an agreement approving the casino

It is a shameful thing to practice deception and bad faith, especially when those being deceived include your tribal kin.

So, expect no applause here for the long pattern of bad behavior by the southern Arizona Tohono O'odham Nation.

It was bad enough that the Tucson-area tribe's leaders plotted to circumvent public sentiments about tribal gaming even *before* the 2002 statewide vote to authorize it.

Worse still is the tribe's double-cross of the good-faith expectations of other Native American tribes. So, no applause. No encouragement. No matter how legally clever and, yes, successful,

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the Tohono O'odham leaders and their lawyers ultimately may be.

Still, there is no avoiding the reality that opponents now face. Success for the Tohono O'odhams' plan to build a Valley casino is looking more likely. Not a lock, certainly. There are legal battles yet to run their course in federal courts. And, conceivably, an act of Congress could halt the tribe's gambit in its tracks.

But, viewed realistically, the tribe is about to start construction on its planned casino-hotel near Glendale. It may not require any further permission from anyone. To do anything.

A U.S. Supreme Court decision in May regarding tribal sovereign immunity appears to have dashed the hopes of other tribes that they could prove the Tohono O'odham leaders committed fraud in their years-long plan to break into the lucrative Phoenix-area gaming market.

Still pending is a 9th U.S. Circuit Court of Appeals decision on whether the tribe's project violates the letter (as opposed to the mere spirit) of the 2002 voter-approved gaming compacts.

The most effective backstop against the casino would be an act of Congress forbidding additional casinos in the Phoenix area. Arizona Sens. John McCain and Jeff Flake recently introduced just such a bill, and similar legislation enjoys bipartisan support in the House. But we all know the track record in Washington, D.C., of even the most popular legislation. The obstacles are many.

There is no escaping that attitudes about casinos are changing.

Once deeply torn about casino-style gaming in the metro area, the public generally is more accepting of the nearby presence of big tribal casinos, hotels and theater venues. The very success of tribal gaming operations in the Valley is working against efforts to rally public objections to yet another metro-area casino-hotel. We are comfortable with it all.

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After years of fighting the tribal project — planned for a 54-acre site near Loop 101 and Northern Avenue — the debt-riddled city of Glendale is sniffing something from the project that it desperately needs: money.

Tribal Chairman Ned Norris Jr. is waving \$26 million over 20 years under the city's nose, including a half-million within 10 days of signing an agreement.

"I'm pleased with that kind of money," Glendale Councilman Gary Sherwood said.

The lure of big money has a way of changing everything. That's a reality. But this is a reality, too: In February 2002, then-Gov. Jane Dee Hull announced an agreement on casino gaming with Arizona's tribes — including the Tohono O'odhams — on terms of a compact deal, pending voter ratification in November.

A major point of agreement, according to Hull, was that there would be "no additional casinos allowed in the Phoenix metropolitan area."

Two years before that agreement with Hull, in 2000, the state's tribal leaders signed an agreement among themselves, with each signatory vowing to "strive for a good-faith cooperative relationship between and among themselves."

Among the 16 tribes signing the declaration was a representative of the Tohono O'odhams. At that same time, according to now-released court documents, a corporation chartered by the tribe was actively seeking land in the Phoenix area for the "possibility of doing a casino."

That does not appear to fall under the category of "good faith" negotiations, however loosely defined it may be.

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