

A tribal milestone shouldn't alter casino panel's plan

Written by Administrator

Monday, 28 September 2015 17:40 -

If possible, the Mashpee Wampanoag tribe should operate the state's third and final resort casino. That was the original idea in the 2011 casino law. But the process hasn't gone as planned, and the latest news — the federal government [has taken more than 320 acres in Taunton and Mashpee](#) into trust for the tribe, a step toward getting a reservation — still leaves plenty of uncertainty about the prospects for a tribal casino.

In light of this month's decision, the gaming commission needs to make a fresh assessment of where the tribe stands, and how likely it is to clear its remaining legal hurdles. If the commission concludes there is now a strong chance that the tribe will really be able to open its Taunton casino in the near future, it should hold back on granting a casino license to a rival plan for Brockton.

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But that's a big if. After the announcement, tribal chairman Cedric Cromwell celebrated the ruling and said the tribe would begin construction next year. That's also what he said [in 2013](#) [And in 2014](#).

In reality, the tribe is almost certain to encounter legal opposition, which could be long and drawn-out. And there is precedent for courts overruling the Bureau of Indian Affairs' decisions: The Narragansett tribe in Rhode Island also got federal approval, but the Supreme Court overturned [that decision](#) in 2009.

None of that is the tribe's fault. But the commission can't be expected to look through the same rose-tinted glasses as tribal leaders, and clearly can't treat Cromwell's forecasts as airtight. It shouldn't halt consideration of the Brockton casino proposal unless it concludes, through an independent legal analysis, that the tribal casino is now a realistic possibility.

The 2011 law envisioned only three casinos, and hoped that a tribal casino would be one of them. But the law did set up a procedure for awarding a license for a nontribal casino in Southeastern Massachusetts if the tribe's obstacles proved insurmountable. When the tribe's progress stalled in 2013, the commission opened up the region to other operators — even while warning that it wouldn't necessarily award a license if the tribe's regulatory fortunes improved.

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The result was a project in Brockton put together by casino developer Neil Bluhm and landowner George Carney. They want to open a casino on the Brockton Fairgrounds, near Route 24, a plan that won approval in a city referendum and enjoys strong political support. Bluhm has successfully developed other casinos in competitive markets. After the federal decision, he noted that the tribe still faced legal roadblocks, while he could start building — and hiring workers and paying taxes — without delay.

Moreover, Bluhm says the tribe's status should be irrelevant, and that the region can support both casinos. But even if he's right, the commission also has to consider the promises made to the public last year when voters upheld the casino law. The fact that casino gambling remained limited — that the law sought to establish only three casinos — was one of the reasons voters approved it. If the commission gives the Brockton casino a green light, the tribe could end up opening a casino too, exercising its sovereign rights. That would leave the state with four casinos, which is more than voters bargained for.

Backers of the Brockton casino warn that if the state plays its cards wrong, it could wind up with no casino in the region. If the commission rejects the Brockton applicant and guesses wrongly that the tribe will get a casino, the region will end up with nothing — no new jobs, no new tax revenue, none of the promised economic growth in either Taunton or Brockton. That is a risk, for sure — the commission has zero no-risk options in the Southeastern region — but it's better for the commission to err on the side of caution.

Brockton officials grumble that it's all very unfair to hold their economic future hostage. But Bluhm and Brockton both knew going into the application process that the commission only wanted one casino in Southeastern Massachusetts, that it was keeping an eye on the tribe, and that creating an economic development opportunity for a marginalized group was a key state goal. The gaming commission's strategy should remain what it has been: Award a commercial license only if it concludes a tribal casino is unlikely.

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