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Wampanoag turn up pressure on gambling panel

Want state commission to keep freeze on commercial casino projects in area

By **Mark Arsenault** | GLOBE STAFF APRIL 16, 2013



GEORGE RIZER FOR THE BOSTON GLOBE/FILE 2012

“We’re going to do everything in our power to protect and respect . . . our rights as a federal sovereign nation,” Mashpee Wampanoag chairman Cedric Cromwell, said in an interview. “We will do that.”

The Mashpee Wampanoag are going on the offensive against the state gambling commission, with a hard-edged public campaign to pressure the commission to maintain a freeze on commercial casino developments in Southeastern Massachusetts, where the Mashpee intend to build a tribal casino.

The tribe is attacking the commission as unaccountable in a television advertisement and is accusing the five-member panel of a “lack of transparency” ahead of a critical Thursday vote on the fate of casino gambling in Southeastern Massachusetts. The tribe has suggested it will sue if the commission lifts the freeze and opens the southeast to commercial gambling companies. “We’re going to do everything in our power to protect and respect . . . our rights as a federal sovereign nation,” Mashpee Wampanoag chairman Cedric Cromwell, said in an interview. “We will do that.”

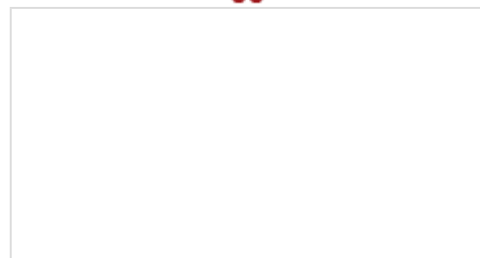
State lawmakers created the freeze in 2011 to give the tribe first shot at casino development in the region. Proponents of ending it say the Mashpee Wampanoag face a long and uncertain road to federal approval for a tribal casino and that the southeast region is missing out on jobs and economic development. A majority of the commission appeared ready two weeks ago to lift the ban and accept commercial bids for the region. The panel delayed a vote until Thursday to allow for more public comment.

The Mashpee Wampanoag have questioned the commission’s legal authority to solicit commercial applications for a casino in the southeast region, and the dispute is likely to end up before a court if the commission opens the region to bidding.

The tribe controls land in Taunton at the junction of Routes 24 and 140, where the tribe is planning to build a resort casino. The tribe has asked the US Department of the Interior to take the property into trust on the tribe’s behalf, which would make the land eligible under federal law to host tribal gambling.

The problem is that a 2009 ruling of the US Supreme Court casts into doubt the federal government’s ability to legally take land

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into trust for tribes such as the MashpeeWampanoag, leaving land-in-trust decisions open to legal challenges.

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While the Mashpee Wampanoag insist they have made tremendous progress toward winning federal approvals for their casino, skeptics say they are at best years away and may never realize their goal of getting eligible trust land to host a gambling business.

“The commission would be shirking its fundamental responsibilities if it failed to look at alternatives, since the status of the tribe’s application for land in trust and its ability to proceed with its casino project cannot be predicted with certainty,” commission chairman Stephen Crosby wrote Sunday on the commission’s web page, in response to the Mashpee’s campaign. The tribe painted a much sunnier picture of its prospects in a letter to the commission on Friday.

“The final decision on the tribe’s trust application is months away, not years, and the commission must allow that administrative process to work its way to conclusion,” wrote the tribe’s lawyer, Howard M. Cooper.

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