



Tribe hits casino investors for \$13M

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MASHPEE — The Mashpee Wampanoag Tribe borrowed an additional \$13 million last month from its casino investors, according to internal budget documents and a copy of the loan obtained by the Times.

The money is on top of \$25 million the tribe had previously borrowed in pursuit of a \$500 million casino in Taunton bringing the total to nearly \$40 million in loans — most of it paid to lawyers, lobbyists and consultants, according to tribe sources and documents. The new loan covers \$10.1 million already advanced by lenders to cover tribe debt and payroll, according to records.

"The tribe has a right to know what's going on in the name of tribal people," Amelia Bingham, a tribal elder, said Monday. "They're putting us so far into debt that we'll never get out."

As part of the agreement, tribe leaders waived the tribe's sovereign immunity from being sued in state or federal courts, records show. The agreement also protects tribal officers from personal liability.

What remains unclear is when the tribe must begin repaying the loan and what happens if a tribe casino is never built.

Tribe leaders condemned release of the documents, which show monthly payments to more than a dozen law firms and consultants that range from \$15,000 to former U.S. Rep. William Delahunt, now a tribe lobbyist, to \$507,000 paid to the law firm of Eckert Seamans/Rackemann in September for work done in June and July. In a five-month period from April to August, that firm was paid just under \$1.3 million, according to the records.

The Boston law firm of Todd & Weld was paid \$587,000 and Cleary Gottlieb Steen & Hamilton, a New York firm, received nearly \$1.1 million in that same five-month span while the tribe was deep in negotiations with Gov. Deval Patrick for a gaming compact.

Last month, the federal Bureau of Indian Affairs rejected the compact saying the tribe was paying the state too much at 21.5 percent of gross gambling revenues and was not getting enough in return. The BIA also cited parts of the deal between the tribe and Patrick as violating the Indian Gaming Regulatory Act.

On Friday, tribal council Chairman Cedric Cromwell took to Twitter to criticize theft of the tribe's internal documents. Cromwell declined a request to be interviewed Monday, instead issuing a prepared statement similar to his Twitter post.

"Our financial decisions are made by tribal council in accordance with our constitution, and communicated to tribal membership with the goal of respecting both Tribal citizens' right to be informed and the confidential nature of such information," Cromwell said. "The fact that these documents have been stolen and distributed outside of our Tribe is not only disappointing, it is a threat to our tribal sovereignty and self-governance. We are fortunate that we have a financial partner that has confidence in our Tribe and our inevitable right to conduct gaming as well as the ability to provide the funding necessary to achieve our economic development goals."

The tribe has partnered with Arkana Ltd., a company owned by the same Malaysian family that owns casino giant Genting Group. Loan documents show the additional \$13 million is being loaned to the tribe by R.W. Investments Ltd., a corporation organized on the Isle of Man. Under the terms of the agreement, the tribe has agreed to pay the money back at 15 percent interest per year, which could rise by an additional 5 percent.

A tribe source, who asked that his name not be used because of Cromwell's comment about the documents being stolen, said members are worried about the increase in debt because a casino seems less certain.

"People are irate about it," the source said of the loan.

The tribe must still persuade the BIA to take 146 acres in Taunton and 170 acres in Mashpee into federal trust for an initial reservation, a decision that faces a tangle of legal uncertainty. And the tribe must renegotiate a revised compact with Patrick, get it approved by the Legislature and submit it to the BIA for final authorization.

Neither the Patrick administration nor a spokeswoman for the tribe could say when those negotiations would begin again in earnest.

"We are in active discussions with the tribe, but formal negotiations have not yet begun," Jason Lefferts, spokesman for the Executive Office of Housing and Economic Development, said Monday.

"We're not being told anything about renegotiations," the tribe source said. "When are they going to start?"

Bingham, who organized the tribal council and incorporated the tribe in the 1970s, said she fears the tribe has put too much of its future in a casino plan that may never happen.

"It will be the ruination of our tribe," she said. "We have tribe officers we cannot trust and officers that don't trust us with information pertaining to our existence."

A meeting of the tribal body is scheduled for Sunday "to discuss this and other matters," Cromwell wrote on Twitter.

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