

TAUNTON DAILY GAZETTE

Feds update Mashpee tribe on land application

By Gerry Tuoti

Taunton Gazette Staff Reporter

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Taunton — The Mashpee Wampanoag tribe could soon get answers to the lingering questions surrounding land sovereignty in its quest to open a resort casino in Taunton.

The federal government, according to a Dec. 31 letter from Assistant Secretary of Indian Affairs Washburn, expects to determine early this year whether it has the authority to take land in trust from the Mashpee Wampanoag tribe, and anticipates deciding by the end of the month whether the tribe is eligible to operate a gambling facility under the “initial reservation exception” in the Indian Gaming Regulatory Act.

“After an initial review of the Tribe’s application and other applicable documents in the record, we are directing the Eastern Regional Director to begin processing the Tribe’s application pursuant to the initial reservation exception,” Washburn wrote in the letter, which was addressed to Cromwell. “The Office of Indian Affairs will complete its final analysis of the applicability of the initial reservation exception in January 2013.”

The letter adds that the BIA is continuing to review whether the Secretary of Interior has the authority to take land in trust for the Mashpee under the federal Indian Reorganization Act.

“It’s so important that this letter came out because it shows we’re going to have some very important decisions to help us meet a realistic approach when this is going to happen,” Cromwell said.

In order to operate a tribal casino under federal law, a tribe must be federally recognized; be located in a state that allows casino gaming; have sovereign land held in trust by the federal government; and have a compact with the state.

The Mashpee, who were federally recognized in 2007, had the Department of the Interior reject the compact they reached with Massachusetts last year.

“We’re back at the table,” Cromwell said. “We’ve had meetings with the Department of the Interior to look at the compact. We’re at the table together with the tribe’s team, the governor’s team.”

Without a compact in place, the tribe could still open a Class II gambling facility, but not a full-scale casino, provided it had land in trust. Such a facility could have slot machines and certain table games, Cromwell said.

The tribal chairman said he views the feedback from the BIA as a positive indication regarding land in trust.

“I think the letter was very powerful, pointed and telling of how real and sincere our application for land in trust is,” Cromwell said. “Supreme Court decisions in recent years, however, may cloud the outlook.”

In 2009, the court ruled on a dispute between former Rhode Island Governor Donald Carcieri and the Narragansett tribe, deciding that the Department of the Interior could only take land into trust for tribes under federal jurisdiction at the time of the 1934 Indian Reorganization Act.

Cromwell said the tribe has added supplemental information to its pending land-in-trust application to demonstrate historic use of the land in Taunton and Mashpee on which it seeks to establish its reservation. Included in that documentation, he said, is information showing “that we have had a government-to-government relationship pre-1934.”

“It comes down to relationships between the tribe and the federal government,” he said. “There was federal jurisdiction and a relationship before the creation of the country, through the creation of the country and to the modern day ... The BIA has t information, is processing it, and this is a very, very exciting time for the tribe and the city of Taunton.”

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Comments (17)

thegrinch

15 hours ago

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Can't wait till the casino opens! This is great news!

art_vandelay

15 hours ago

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More great news for both Taunton and the tribe! Looking forward to the opening of the casino.

I'm sure the anti-casino zealots will be posting their drivel here soon

cold2

15 hours ago

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why hasn't lizzie chimed in about this yet? democratic party haven't put the words in her mouth yet.

thegrinch

14 hours ago

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Just can't wait maybe I can watch the playoff there someday with the REEL Wamps!
bdu
14 hours ago
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I'm sure that the Tribe is all set now that Massachusetts has sent a true Cherokee to Washington DC as our dear madam Senator.
mike hawke
11 hours ago
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while i am all in favor of sweeping all the scratchoholic, toothless grubs under one roof, because of existing land in trust law, no wampyworld water whizz p bingo hall casino can be built in taunton or anywhere else.. they would need a new supreme court ruling.
sitting_bull
10 hours ago
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i wouldn't start buying poker chips anytime soon...IF the Feds rule in favor of the Mashpee LIT application on Jan 31, the first lawsuits get filed on Feb 1...

MC12345

4 hours ago

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One needs to be clear on reading this article. The first Part (January deadline) regards only if the tribe might practice gaming on a reservation already owned by the state of Massachusetts. The second Part (2013 deadline) deals with whether the authority to grant Land In Trust reservations and can side-step the Supreme Court ruling that they do not have the authority. Part One is useless without Part Two is impossible for the Tribe.

goldwing86

3 hours ago

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do the right thing and give the permission needed to let the indians build there casino.they have lived in tents long enough.all the fat cats in washington have the good life for years.people have already approved it.

Thinkingoutloud2

3 hours ago

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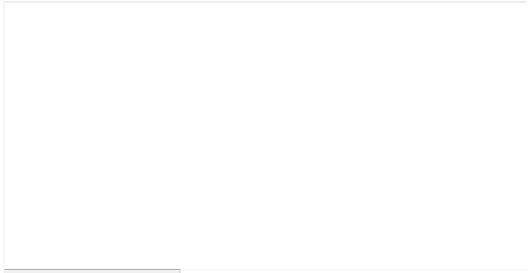
This has been going on with the tribe since 2007. Just another fine example of our federal government getting paid huge dollars to donothing.

MET

2 hours ago

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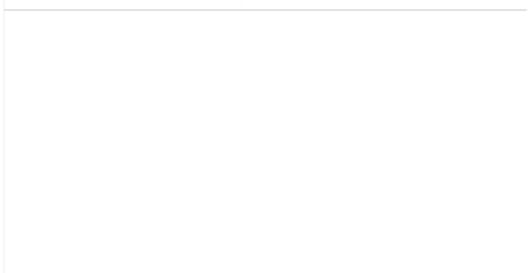
Now we'll have 2 places to watch degenerates, Walmart and the Casino, which both bring great jobs, right? However, with all the government handouts, wh one want to work?

Dahun

2 hours ago

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If the BIA grants the land in trust then construction will begin this year and the casino will be on track to be the first in Massachusetts and well ahead of an; proposed operation.

Some people here claim to be Constitutional law experts, however the city, tribe, tribe partner and state are going forward. They all have well paid legal cou they are all proceeding.

The plan seems to be on track. Opponents point to law suits that they claim will be quickly forthcoming if the land-in-trust is approved. I wonder who they support these lawsuits: not the city or state, are they going to hire lawyers and pay for a suit...not likely.

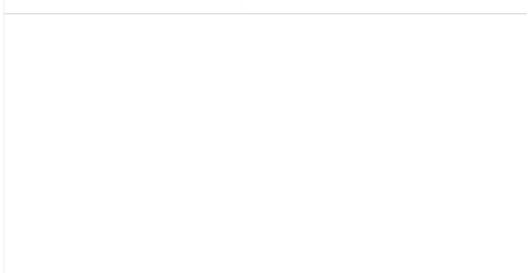
The casino is on track and awaits a decision this month that will make or break the casino. Hundreds of new jobs and increased revenue or more closed sto continued high unemployment and no possible way to solve the financial problems the city faces.

MC12345

2 hours ago

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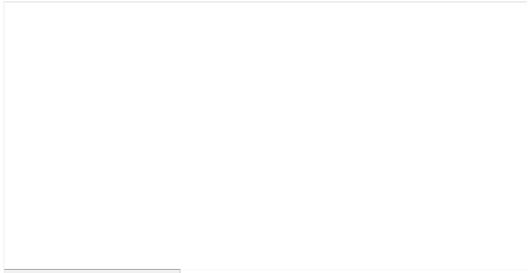
goldwing...with all due respect, you may take note that the local Tribes do not appreciate the feds giving away thier heritage and lands to a different non-loc The Mashpee are from Mashpee. That alone will probably block this.

Britt Ponset

2 hours ago

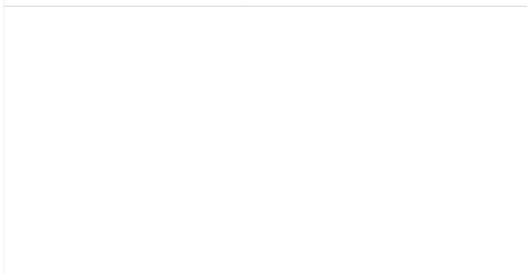
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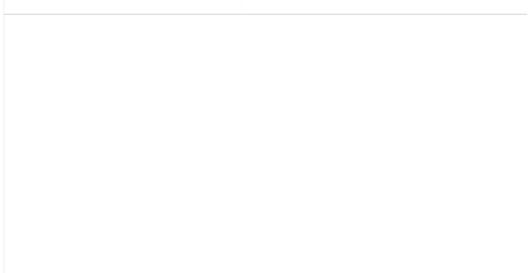
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The jobs are already given to tribal members so if you want a job there you better join the tribe fast. Other than that wait for the chinese take over, it's comi:
tauntondump
2 hours ago
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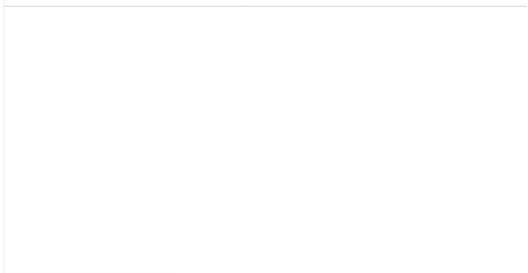
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Haha, ok Buffoon, I mean Buffy. Keep smoking that pipe. This casino will never come to Taunton. Get out while you can, before you lose your supporters in election.
CuckoosNest
30 minutes ago
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The Mashpee Wampanoggers are a mixed breed tribe. There are no clear blood lines, and there hasn't been for generations, ever since the original Wampar cavorted with the black airmen from Otis Air Force Base at the old NCO club in Mashpee.
Now they smoke medicinal marijuana in their pipes, and drink lots of firewater they purchase with there EBT cards.
MC12345
12 minutes ago
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Dahun...if you read the article (specifically the 2nd paragraph) you will see that the LiT issue is seperate from the initial reservation exception for IGRA gan

LiT. The exception will be decided in January and will either allow or not allow gaming on LiT. But since the Tribe has NO LiT, a positive decision does not casino (as they still need LiT) while a negative one dooms a casino.

Additionally, the LiT decision mentioned in the letter and article is not about whether the tribe will get LiT but instead it is about whether the BIA has the a give out any LiT to anyone anywhere. The Supreme Court blocked them. The matter at hand in this article is whether the Tribe COULD even get LiT from tl BIA...NOT whether the Tribe will actually be given LiT.....and THAT decision is only 'early this year'.

Finally as a matter of personal opinion, I do not agree that Taunton will crash 'with no way to solve the finacial problems the city faces.' as you state. I think leadership has more than one singular plan to grow Taunton. That type of fear-mongering is not only transparent but dismisses the abilities of our populac government as doomed and without a plan.....which they better have as this Casino isnt coming anytime soon or not at all.

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