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Casino panel weighs opening SE Mass. license

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Local Coverage

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BOSTON — Massachusetts risks losing hundreds of millions of dollars in gambling revenue if the state's gambling commission votes to open up the southeastern region to commercial casino developers, the Mashpee Wampanoag tribe warns.

The Mashpee, which has proposed a resort casino in Taunton, issued a statement and launched radio and TV ads in advance of a scheduled meeting on Thursday at which the commission will consider a plan to invite commercial bids for the sole state license in the region that until now has been carved out for a federally-recognized Indian tribe.

In a message posted on the commission's website, the panel's chairman, Stephen Crosby, said the plan under consideration would offer "the broadest range of options for the most parties," including the tribe.

But Cedric Cromwell, chairman of the Mashpee Wampanoag tribal council, said a vote by the commission to open up southeastern Massachusetts could result in four casinos being built in the state, rather than the three allowed under the 2011 casino law.

Should the state award a license to a commercial bidder, the tribe has promised to continue pursuit of a casino under a separate federal process. And should that casino eventually open, the tribe argues it would not be required to pay any revenue to the state, while it pulls business away from a competing casino in the region.

"The public has a right to know what will happen if the Gaming Commission continues their rush to disadvantage the Tribe, Cromwell said in a statement. "The state's own experts warned of disastrous effects if the state and the Tribe don't work together."

In the radio and TV ads, the tribe criticizes the commission for a lack of accountability. It also makes note that ancestors of the current-day Wampanoags greeted the Pilgrims centuries ago in Plymouth.

The commission began weighing the possibility of opening up southeastern Massachusetts to commercial developers last year as the tribe struggled to overcome a series of regulatory and legal hurdles along the path to a casino.

The federal Bureau of Indian Affairs last year rejected a compact negotiated with the state that called for the tribe to return 21.5 percent of its gambling revenue to the state. A revised agreement with Gov. Deval Patrick's administration would lower the state's take, likely to 15 or 17 percent, but it has yet to be voted on by the Legislature.

The tribe is also pursuing a land-in-trust designation the federal government for the 146-acre site it hopes to build on in Taunton, but any such agreement could face legal challenges because of a U.S. Supreme Court decision that limits land taking for tribes that were recognized before 1934. The Mashpee received federal recognition in 2007.

Still, the tribe has said it believes it is on track to break ground on its casino development within the next year.

Crosby said in the message posted Sunday that the commission was trying to reconcile the intention of the Legislature to allow just one casino in southeastern Massachusetts with the uncertainty surrounding the tribe's progress and the potential for the region being left behind while casino development proceeds elsewhere in the state.

The plan to be considered on Thursday would allow for commercial bids, while the commission monitors the tribe's ongoing efforts to win approval of the state compact and the federal land-in-trust agreement. After reviewing any proposals from other developers, the panel would then decide on the best course of action, Crosby wrote.

"At the same time, 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," he wrote.

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