



Federal judge hears arguments in Wampanoag bin

News by Andy Metzger, State House News Service - Aug 12, 2015

All sides squared off in a Boston courtroom Wednesday in a case with significant implications for Aquinnah



The Wampanoag tribe's never-completed community center and would-be bingo hall was the subject of a hearing in fede

A federal judge on Wednesday declined to immediately rule on arguments presented by the A and the groups seeking to block it from building an electronic bingo hall in Aquinnah.

Lawyers argued about overlapping federal statutes passed within a year of each other. In 198 The settlement agreement stipulated that the tribe was subject to local and state laws and z Congress passed the Indian Gaming Regulatory Act, which sets up a framework for tribal gam

Two years after Massachusetts approved an expanded gambling law authorizing up to three casinos in the state, Judge Dennis Saylor ruled in December 2013 after the National Indian Gaming Commission approved the tribe's gaming ordinance.

Judge Dennis Saylor complimented all parties on their arguments, and said he would come to a decision soon.

Appearing before Judge Saylor at the Moakley Courthouse, attorneys for the state, the tribe, the town and the Aquinnah tribe argued for more than an hour about the extent of the tribe's governance on its land, the applicability of state law, and whether case law applies to the Aquinnah case.

Judge Saylor said for opponents of tribal gaming to prevail, they would need to distinguish this case from a 2002 case where a federal appeals court required that the state of Rhode Island enter into "good faith negotiations" with the Narragansett Indian Tribe.

Scott Crowell, an attorney for the tribe, said Congress's passage of the Indian Gaming Regulatory Act in 1988, which authorized tribal gaming in the special act, while Aquinnah town counsel Ronald Rappaport argued it would be a year earlier. Mr. Rappaport also said the town prohibits gaming on the land in question.

Assistant Attorney General Juliana Rice noted the tribe's agreement with the town stems from a 1988 settlement. Rice said the omnibus Indian gaming law "did nothing to disturb" the agreement that gives the tribe the right to operate gaming on the land in the settlement.

Massachusetts legalized casinos and a single slot parlor in 2011, reserving up to three casinos in the Boston area, and establishing a special licensure process for tribal gaming.

Former Gov. Deval Patrick negotiated a gaming compact with the Mashpee Wampanoag Tribe in 2002. State regulators have since moved on to the potential of a commercial casino in the area, as the tribe's gaming ordinance on federal land in trust.

Mr. Crowell said the state "refuses" to negotiate a gaming compact in good faith with the Aquinnah tribe, "turned its back on the very opportunity to have a voice" in its gaming plans.

On July 28, Judge Saylor enjoined the tribe from any further construction on the facility.

Tobias Vanderhoop, the chairman of the Wampanoag Tribe of Gay Head, told the News Service bingo hall, depending how the current project proceeds.

“This is a temporary project,” Mr. Vanderhoop told the News Service.

The building slated to become a bingo hall was originally intended to be a community center. A 6,500-square-foot building was erected at taxpayer expense just off the entrance road to the lands by two teams of Air Force reservists in 2004 and 2005, as a civil engineering community center. The shell sat dormant and unfinished after the citizen-soldiers departed. If it moves forward as a gaming facility, the tribe would be on the hook for approximately \$1.2 million in Housing and Community Development grants appropriated for the community center.

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