

POLITICS & GOVERNMENT NOVEMBER 7, 2015

Texas casino to open in 2016?

HIGHLIGHTS

East Texas Indian tribal leaders say they have the legal standing to open a casino

State officials have yet to respond to their efforts to discuss tribal plans

Opponents aren't sure the casinos would be legal in Texas



Patrons of the Alabama-Coushatta Entertainment Center casino played slot machines on July 25, 2002, on the Alabama-Coushatta Reservation, east of Livingston, Texas. **BRETT COOMER** - SPECIAL TO THE STAR-TELEGRAM

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Deep in the heart of East Texas, there could soon be a new tourist attraction: a casino.

A legal challenge from Texas state officials could always delay or derail the plan. But if the Alabama-Coushatta Tribe of Texas has its way, they'll be opening a casino early next year on a more than 10,000-acre Indian reservation south of Livingston.

"This would be a big shot in the arm," said Carlos Bullock, a spokesman for the tribe who noted that the clan has struggled financially since its first casino was shut down by the state in 2002.

"When we were open before, ... we generated about \$1 million a month," he said. "When we closed, it was devastating to the tribe. ... It was a huge impact to lose that kind of revenue, and all those jobs."



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Patrons of the Alabama-Coushatta

The casino, about 240 miles southwest of Fort Worth, closed after the tribe lost legal fights with Texas officials, who said state law trumped national Indian law and casino gambling wasn't allowed in Texas.

But the tribe now believes it has new authority to reopen a casino featuring devices that look, act and sound like slot machines but really are electronic bingo machines.

Last month, the U.S. Department of Interior and the National Indian Gaming Commission ruled that the tribe can operate games on its reservation, just as the Tigua Indians can on the Ysleta del Sur Pueblo reservation near El Paso.

Entertainment Center played slot machines on July 25, 2002, on the Alabama-Coushatta Reservation, east of Livingston, Texas. **BRETT COOMER** - SPECIAL TO THE STAR-TELEGRAM

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WE ARE GOING TO DO WHAT THE FEDERAL GOVERNMENT SAID WE ARE ALLOWED TO DO.

Carlos Bullock, a spokesman for the Alabama-Coushatta Tribe of Texas

This is the latest development in a more than decade-old legal battle pitting national Indian law that maintains tribes are sovereign nations and may operate casinos on their reservations against state law preventing an expansion of gambling in Texas.

Tribal officials say they've asked to meet with Texas Gov. Greg Abbott and Attorney General Ken Paxton to discuss the issue.

"We want them to know what our intentions are," Bullock said. "But they haven't responded yet.

"We are willing to meet whenever," he said. "But we are going to do what the federal government said we are allowed to do."

Paxton's office declined to comment because of ongoing litigation; Abbott's office didn't respond to a requests for comment from the *Star-Telegram*.

Tribes in Texas

There are three Indian tribes left in Texas — the Alabama-Coushattas, the Tiguas and the Kickapoos in Eagle Pass.

While the Alabama-Coushatta and Tigua tribes have been fighting with the state to allow gaming, the Kickapoo tribe since 1996 has operated the Lucky Eagle Casino in Eagle Pass, which features more than 3,300 machines as well as a private poker room and a high-limit gaming area.

THERE ARE AROUND 450 GAMING FACILITIES ACROSS THE COUNTRY OPERATING UNDER AROUND 242 INDIAN TRIBES IN 28 DIFFERENT STATES.

The difference is the tribes' legal standing.

The Alabama-Coushatta and Tigua tribes gained federal recognition in 1987, at a time when the law stipulated that tribes can't do anything the rest of the citizens of the state can't do — such as gamble.

The Kickapoo tribe gained recognition earlier, when the same condition was not in place.

So the Kickapoo tribe moved forward with a casino — becoming the only casino in the state — and when Texas expanded gaming beyond charitable bingo, to allow the lottery and pari-mutuel gambling, the other tribes pushed for more opportunities.

The Alabama-Coushatta and Tigua tribes even opened casinos that proved extremely successful until they were ordered closed by a U.S. District judge in 2002.

They've continued their push to reopen as tribes in nearby states opened casinos that have flourished, such as the Chickasaw Nation's WinStar World Casino and Resort in Oklahoma.

Tribal officials in Texas now believe they have the legal footing they need to move forward since the recent ruling says they have the right to run Class II gaming —generally bingo and electronic versions of bingo — under the Indian Gaming Regulatory Act.

"We are hoping [state officials] will look at the letter and understand the federal government clarified this right," Bullock said.

Political observers say they don't believe the ruling will end the state's legal challenges.

"I would ... expect any move by the Alabama-Coushatta and Tigua to open Class II casinos offering poker, bingo and/or electronic bingo to be challenged by Texas Attorney General Ken Paxton," said Mark P. Jones, a political science professor at Rice University in Houston.

Jones said he believes that challenge would be backed by other Texas Republican officeholders, including Abbott and Lt. Gov. Dan Patrick.

But once the tribe submits a facility license notification to the National Indian Gaming Commission, the federal regulator of Indian gaming in the United States, it can open a casino 120 days later, said Michael Odle, a spokesman for the commission.

Neither tribe has turned in that notification yet, he said.

There are around 450 gaming facilities across the country operating under 242 Indian tribes in 28 different states, Odle said.

"Gaming for tribes is probably one of America's greatest success stories," he said. "It is the economic driver that allows a tribe to exercise their sovereignty."

Plans underway

Bullock said the Alabama-Coushatta tribe, which has about 1,200 members, is planning to use the same building previously used for the casino next year.

AN EAST TEXAS CASINO COULD FEATURE ABOUT 300 MACHINES AND 150 EMPLOYEES.

They hope to open a casino, preferring to call an "entertainment center" or "entertainment venue," in early 2016.

Plans call for bringing in about 300 machines and hiring about 150 employees.

These machines, like others on Indian reservations, are designed to look like traditional slot machines found in Las Vegas. They have the same bells, whistles and designs. But the machines in some form or fashion show or run bingo patterns with every spin.

The building the tribe plans to use has a capacity of about 500 people and, when it was open before, there were times when long lines stretched out the door, Bullock said.

"We literally had two people go out and two people come in," he said. "People would wait for hours to get in.

"We feel like we can be successful with this venture and people want it."

Push for more?

If these tribes are successful in opening casinos, there may be an even bigger push from horse tracks in Texas that have long asked for gambling machines to draw bigger crowds and more money.

Texas tracks, including Lone Star Park in Grand Prairie — owned by Global Gaming Solutions, a division of the Chickasaw Nation — have been mired down in a yearlong battle to use historical, or instant, racing.

Historical racing is a controversial new form of gambling that replays past races on slot machine like devices.

“If you have some casinos in Texas, or some form of additional gaming, it obviously adds another complexity to the competitive landscape,” said John Elliot, CEO of Global Gaming Solutions. “The [horse] industry has been vocal that they are in a dark situation now.

“They need help now to find some way to compete,” he said. “I think, ideally, our hope would be that the Legislature, Racing Commission and industry can coalesce around finding solutions to help the industry compete.”

And this could reignite legislative efforts to expand gambling in Texas — whether to allow casinos on Indian reservations, along the coast or in communities stretching from Fort Worth to San Antonio — that have failed session after session in the Texas Legislature.

Anti-gambling critics aren’t convinced the tribes have legal standing to move forward and open a casino.

“It’s hard to get my arms around how it has been one way all this time and now it’s different,” said Rob Kohler, a consultant with the Austin-based Christian Life Commission of the Baptist General Convention of Texas, which opposes increased gambling. “I’ve got a lot more to learn about it.”

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Pat Richardson · Works at Retired

Paxton may not know the details of Indian law, but he could advise on how to hanle an indictment. I think traffic is getting ready to increase on US Hwy 190 between livingston and Woodville.

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Billy Elliott · Yes

If the indians open a casino I want one too. PERIOD

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