



## Aquinnah vows to fight state's casino lawsuit

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The new leader of the Wampanoag Tribe of Gay Head (Aquinnah) is vowing to fight the Patrick Administration's lawsuit that questions the tribe's federal right to operate a casino.

Tobias Vanderhoop, the tribe's chairman-elect, said Tuesday he believes Gov. Deval Patrick's administration is wrong about the tribe's federal rights to casino gambling.

"Our tribe does have many rights available to federally recognized tribes, including gaming rights that have been affirmed by several federal agencies in recent months," Vanderhoop said. "How our tribe decides to exercise those rights is up to membership. Whenever an existing right of our tribe is challenged, there can only one appropriate response and that is to defend ourselves vigorously."

The Patrick Administration filed suit Monday in the state's Supreme Judicial Court to block a proposed gambling facility on tribe land on Martha's Vineyard. The suit alleges that an

island casino would breach the tribe's contract with the state, a 1983 land settlement that was approved by Congress in 1987.

Under the terms of that deal, according to the suit, the tribe received more than 400 acres on the Vineyard in exchange for ceding certain rights. The tribe agreed to follow state and local laws, including zoning bylaws, according to the suit.

Three weeks ago, outgoing Chairman Cheryl Andrews-Maltais threw the casino industry a curveball when she announced that the tribe had a legal opinion from the National Indian Gaming Commission that it could open a class II facility inside a community center on the tribe's reservation. She also asked Patrick to open talks with the tribe for an off-island casino.

Five days later she lost a tribal election to Vanderhoop, who supports the tribe's rights to gambling, but has said it will be up to the will of the tribal membership to ultimately make the decision on whether to open a facility on the island.

One of the things alleged in the lawsuit is that the tribe approved an ordinance to use the community center to open a gambling facility.

Andrews-Maltais has not responded to repeated requests for comment on the state's legal action. The governor's office has not yet responded to a request for comment today.

Lael Echo-Hawk, a tribe attorney, told the Times the Aquinnah can successfully defend the suit.

The suit may finally put to rest what's been a sometimes contentious debate between Patrick and tribe leaders. The state has taken the position that the settlement agreement is clear and the tribe gave up any rights it would have had to a casino under the federal Indian Gaming Regulatory Act.

The tribe's position is that federal law, approved one year after Congress approved the tribe's land deal, supersedes the settlement act.

A recent opinion by the National Indian Gaming Commission, after consultation with the federal Bureau of Indian Affairs, supports that contention by the tribe, which set the stage for this legal showdown.

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