

JOAN VENNOCHI

Deval Patrick's casino confusion

By Joan Vennoch | GLOBE COLUMNIST DECEMBER 05, 2013



ARAM BOGHOSIAN FOR THE BOSTON GLOBE

GOVERNOR DEVAL Patrick, the patron saint of Bay State casinos, is now suing to stop one.

Confused? You should be.

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The Patrick administration is trying to block the Wampanoag Tribe of Aquinnah from opening a small casino on tribal land on the western edge of Martha's Vineyard. This isn't a "position on the substance," Patrick told the Globe. "It's a position on what the law provides."

In a suit filed by Attorney General Martha Coakley on Patrick's behalf, the state argues that the Aquinnah tribe gave up its federal casino rights through a 1983 settlement that gave it more than 400 acres of land in exchange for its agreement that the land would remain subject to Massachusetts "laws and jurisdiction." After giving up those rights, the state argues, the Aquinnah now fall under the jurisdiction of the state's expanded gambling law of 2011, which requires casino developers to win a license from the state.

The tribe, however, contends that it couldn't give away rights it didn't have until 1988, when Congress approved a federal law that gives recognized tribes the right to host some forms of gambling without a state license. Two federal agencies recently sided with the Aquinnah, giving the tribe the go-ahead to immediately open a modest gambling facility, which would offer games such as bingo, poker, and slot machines.

As Patrick tries to stop the Aquinnah, he's helping the Mashpee Wampanoag Indian tribe in its quest to build a resort casino in Taunton. With former US Representative William D. Delahunt lobbying on their behalf, the Mashpee Wampanoags have a compact with Massachusetts to build a casino and give the state a share of its revenue; but they still need federal approval before they can move forward with their plan. The Aquinnah, who have two federal agencies backing their quest, now want to open compact negotiations with the state for a full-scale casino that would also give the state a cut. But instead of launching negotiations with the Aquinnah, the state launched a lawsuit.

Call me crazy, but isn't Martha's Vineyard more of a resort destination than Taunton? Its distance from mainland Massachusetts also means commuters can't hop off the T or local highway to gamble away the family grocery money. And traffic is less of a problem if gamblers are arriving by yacht or private jet. It may be harder to get to and less appealing in winter, but if the Aquinnah want to take that risk, it's on them.

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Revenue for the state was the stated principle behind the new casino law. But commitment to the revenue principle is inconsistent, depending on where a proposed casino will be located and who backs it.

Patrick said he would vote against a casino in the Berkshire town of Richmond where he has a home, but he's fine with siting a gambling complex in more economically desperate communities.

He wants democracy to prevail on a community-by-community basis, but not via a statewide ballot question. The more than 75,000 certified signatures collected by a group that wants to repeal the state casino law mean nothing to him.

He will support Native American rights if they are exercised in Taunton — which is yet to be designated as tribal land — but not in Aquinnah — which is designated that way.

Although he says it's not about “substance,” he essentially stands behind gambling opponents in Martha's Vineyard, but not behind those in Taunton, who turned out for a Tuesday hearing hosted by the Bureau of Indian Affairs and were labeled “xenophobes” and “NIMBYs” by tribal vice chairwoman Jessie “Little Doe” Baird, according to the Taunton Daily Gazette.

The rules are apparently open to change for the politically connected folks behind the Suffolk Downs proposal, who now want to build a casino that was supposed to straddle East Boston and Revere only in Revere. But rules can't be changed for the Wampanoag Tribe of Aquinnah.

Competition is good for casino license-seekers in the Boston area, but the governor can choose to block it between the Wampanoag Tribe of Aquinnah and the Mashpee Wampanoags.

Still confused? You should be.

A trail of lawsuits could be the ultimate legacy of this governor's push for casinos. What a tangled web we weave whenever we deceive ourselves into thinking there's any such thing as easy money.

Joan Vennoch can be reached at vennoch@globe.com. Follow her on Twitter [@Joan_Vennoch](https://twitter.com/Joan_Vennoch).