

Testimony for H.R. 2938, the Gila Bend Indian Reservation Lands Replacement Clarification Act

Mr. Chairman, I want to thank you for holding this hearing and allowing me to testify on H.R. 2938, the Gila Bend Indian Reservation Lands Replacement Clarification Act.

Mr. Chairman, the fundamental bedrock that defines our Republic is the rule of law. Indeed, it is the rule of law that has made America the envy of the world -- providing a level playing field upon which businesses can succeed or fail based solely on their merits, not on their ability to curry favor with the government, to exploit legal loopholes, or to get away with flouting the law.

Amidst all of the debate surrounding the Tohono O'odham Nation's proposed Glendale casino, some who favor allowing construction to go forward seem to be missing the point: my opposition is not an anti-tribe initiative -- I harbor absolutely no ill-will toward the Tohono O'odham Nation. The fact is that every other tribe in the state of Arizona joins me in my opposition to the casino. This debate is not about jobs or economic development, or any of the other tangential points that some would like to use to distract from the real problem with the casino. My opposition stems from the very common-sense and, indeed, vital rule of law that says when you enter into a contract, you are expected to abide by that contract.

Mr. Chairman, in 2002, gaming tribes in Arizona all entered into a compact and put that agreement to voters. The agreement called for a limited number of casinos and machines in the Phoenix metropolitan area.

While Proposition 202 was being debated and passed by voters, the Tohono O'odham Nation publicly pretended to support the measure, promising the only new casino would be constructed near Tucson. But, simultaneously the Tohono O'odham was working behind the scenes to underhandedly secure the tract of land in Glendale with which they knowingly intended to break their promise.

Furthermore, and very importantly, Mr. Chairman, -- the 1988 *Indian Gaming Regulatory Act* -- the law that governs tribal gaming-- says that Las Vegas style gaming on lands acquired after October 1988 may only occur under a compact between the Indian tribe and the state. The Tohono O'odham Nation has broken the compact into which it entered, thereby rendering the proposed casino in violation of the 1988 law.

Mr. Chairman, for all of the casino proponents' attempts to sidetrack the conversation with red herrings, the issue really is as simple as that: the Tohono O'odham Nation entered into an official compact with sixteen other tribes, and now they are attempting to break the compact and their word. By exiting the compact, the tribe is no longer eligible, under the *Indian Gaming Regulatory Act*, to construct a casino like the one proposed in Glendale. It's also worth asking the question: what is the purpose of such a compact if any party may simply break it, at will, without ramifications?

But, assuming for a moment that the casino *weren't* in violation of the law, many of the arguments being brandished by proponents of the casino still remain dishonest. Representatives

of the Tohono O'odham Nation like to claim the proposed casino would create many jobs for the West Valley. However, when the City of Glendale requested the data and methodology behind the numbers being repeated to the public, the request was denied by the tribe.

On the other hand, when the City of Glendale, per state law, put together a plan in 2002 outlining possible uses for the land, estimates put the number of jobs created under the city's plan at 5,756 high-quality jobs. That's *excluding* the construction jobs that would also be created. Furthermore, the City's plan, at build-out, would have created \$10.89 million in construction sales tax and, more importantly, \$5.6 million annual recurring revenue. The casino, on the other hand, would result in NO sales tax revenue for the City of Glendale. It becomes easy to see the many reasons why the City of Glendale so strongly oppose the effort of the Tohono O'odham to forcibly build this casino in the heart of the city of Glendale.

Mr. Chairman, the fallacious arguments used by casino supporters highlight the disingenuous nature of assertions that building the casino is really just about creating jobs and economic development for the surrounding area.

Developing a casino is certainly not the only means by which the tribe can profit from the Glendale land. This is not an either/or situation; it is possible to develop the land while also abiding by the law -- unfortunately, a casino is not one of those legitimate options, per the *Indian Gaming Regulatory Act*.

To preserve the rule of law, Mr. Chairman, I have introduced the *Gila Bend Indian Reservation Lands Replacement Clarification Act*. My bill will allow the Tohono O'odham nation to develop their land in a legal, responsible – and, I sincerely hope, lucrative – manner. But it will prohibit gaming.

The bottom line is this: if the Tohono O'odham Nation's plan succeeds, no tribal compact will be safe from such duplicity in the future and the very laws that govern tribal gaming will be rendered meaningless, subject only to the whim of any tribe that decides it no longer deems the law a convenience.

Mr. Chairman, thank you again for holding this hearing today. It is my hope that at the conclusion of today's hearing, the members of this subcommittee will appreciate the importance and necessity of this legislation. I yield back.