

Pojoaque suit could lead to a disaster

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PUBLISHED: Sunday, December 21, 2014 at 12:02 am

According to an article in the Albuquerque Journal on Dec. 15, the Department of the Interior has joined the Pojoaque Pueblo in appealing the ruling of U.S. District Court Judge James Parker, who ruled that Interior couldn't approve a tribal gaming compact without the state's approval. But Parker did open the door to Pojoaque and said that the Interior Department could act as Pojoaque's trustee and appeal the decision to federal court.

Earlier, the pueblo had attempted to sue the Martinez administration directly, claiming that the state had not acted in good faith in its negotiations. But the state exerted its sovereign immunity against being sued and Pojoaque lost the case.

The current case will most likely be appealed to the federal Circuit Court, where a win for the pueblo would result in a compact that gave the state zero revenue sharing, allow 18-year-olds to gamble on slots and at the tables, allow liquor to be served on the gambling floor and allow the casino to cash paychecks and public assistance checks – all illegal in previous tribal compacts.

A win for Pojoaque would also mean that, according to New Mexico tribal gambling compact law, all other gambling tribes in the state could adopt the same tribal gambling compacts, cutting off over \$50 million a year in revenue sharing to the state.

The other tribes could also obtain the other antisocial changes in compact law that Pojoaque acquired in the lawsuit.

It is not hard to imagine that nearly all tribes across the U.S. would immediately link up with Interior to sue their respective states to obtain similar compacts, if not immediately, at least when their compacts were due to renew.

It's hard to imagine that a rational federal court would allow the passage of compacts that wantonly violate the Indian Gaming Regulatory Act of 1988, as well as the intent of the Congress that passed that law.

It is also hard to imagine that any rational court would open the door to the chaos and the tsunami of litigation that would result.

Although hard to imagine, the federal government has again and again championed tribal gambling to the detriment of communities and states. It's obvious in reading IGRA that Congress was legislating permission for tribes to be allowed to have the same type and level of gambling already present in any given state, not turning tribal gambling into the juggernaut steamroller that rolls over communities with the full blessing of the Department of the Interior.

Recently, a representative of the Bureau of Indian Affairs said that the agency never forced tribal casinos on any community. Nothing could be further from the truth.

Get ready for the heavy hand of the federal government to strong-arm the state.

It is time for government – tribal and state – to get out of the predatory gambling business.