

Some tribes reopen their casinos despite state opposition

Written by Administrator

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MASHANTUCKET, Conn. — Drivers heading down state roads leading to Foxwoods Resort Casino and Mohegan Sun in Connecticut are greeted by flashing warnings: "Avoid Large Crowds" and "Don't Gamble With COVID."

Despite having authority to shutter thousands of businesses during the coronavirus pandemic, Connecticut Gov. Ned Lamont has been constrained when dealing with the sovereign tribal nations that own two of the world's largest casinos. After pleading with tribal leaders not reopen

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and even raising the possibility of pulling their state-issued liquor licenses, he ultimately settled for ordering state transportation workers to put up the signs.

"People over the age of 65 should not be in large, congregate settings. We think that's dangerous, even now," said Lamont, a Democrat, after the casinos partly reopened on June 1, weeks ahead of the state's timetable for large indoor events. "So, we tried to put some good, strong advice in place as people are on their way to taking a gamble."

Connecticut's two federally recognized tribes, the Mashantucket Pequot Tribal Nation and the Mohegan Tribe are not alone in reopening doors early as the nation reemerges from the shutdown — though both say they are being careful about reopening. Facing pressure to bring back employees and start generating revenue, tribes in Washington, Oregon, California, Florida, North Carolina, New York and elsewhere have decided to welcome back gamblers even though their states haven't allowed large gatherings.

Other businesses have bristled at shutdown orders and restrictions, and some have pushed the limits. But the tribes that run the casinos are different because the U.S. Constitution recognizes them as sovereign nations with full authority within their reservations — so state and local leaders have no say in reopening their casinos.

"Tribal nations are just that, they're nations. So they are not bound by state laws," New York Gov. Andrew Cuomo said recently.

New York state officials haven't decided yet when to allow commercial casinos to reopen, but the Oneida Indian Nation announced it will partly reopen three casinos last Wednesday, and the Cayuga Nation reopened its casino on May 15. Both are upstate, where similar large gathering places are not yet open.

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In California, Democratic Gov. Gavin Newsom, wrote a letter to tribal leaders pleading with them to align their plans with the state's, warning that people crowding in casinos could spark a new wave of infections.

The "virus does not recognize jurisdictional boundaries," he said.

In Florida, Miami-Dade Mayor Carlos Gimenez took to social media after the tribal casino Miccosulkee Resort & Gaming reopened early. Last month, he urged residents to follow federal health guidelines if they decide to go and gamble.

That same tribe resisted pleas from state and local officials in late March to close entirely, as other tribal casinos, restaurants, movie theaters, parks and beaches had. At the time, Gimenez resorted to issuing a video message, urging elderly residents to "take personal responsibility" and stay away from any large gatherings, including the casino.

Miccosulkee tribal officials, known for being strongly independent, had insisted they were following federal health recommendations. But days later, the tribe announced it would close the casino, while noting it was "under no legal obligation" to do so as a sovereign nation.

As of last Tuesday, the American Gaming Association website identified 280 tribal casinos that have so far reopened, while 244 remained closed.

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Danielle Her Many Horses, deputy executive director of the National Indian Gaming Association, said those figures represent the diversity of opinion among tribes.

"You have tribes in states that do want to open up and tribes that are like, 'no, no, no, we're going to back off on this because we don't think that's the right idea,'" she said. "And you have others who are like, 'we need to get our people working,' who are thinking of it in (terms of) rebooting the economy."

How tribes have managed the coronavirus pandemic may also reflect their relationship with state and local leaders, Her Many Horses said. She noted Washington Gov. Jay Inslee, a Democrat, for example, meets regularly with the tribal leaders to discuss how the casino reopenings are going. Meanwhile, in South Dakota, three tribes — the Cheyenne River Sioux Tribe, the Rosebud Sioux Tribe and the Oglala Sioux Tribe — set up checkpoints on state and federal highways to keep unnecessary visitors from their reservations because of the coronavirus. Republican Gov. Kristi Noem has questioned the tribes' authority to take such action.

In Connecticut, where the state receives 25% of the slot machine revenues generated at Foxwoods and Mohegan Sun, Rodney Butler, chairman of the Mashantucket Pequot Tribal Nation, said he was surprised Lamont initially took a strong stance against their reopenings. Both tribes repeatedly encouraged the governor to see firsthand the steps they had taken, from installing special air filtration systems to barring busloads of gamblers from New York and Massachusetts.

"I have tribal elders that I'm concerned about. And so I'm not going to put my community at risk," Butler said. "We're doing this very, very cautiously and with every safety precaution in

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mind."

Ultimately Lamont sent a team of state agency heads to both casinos to review the operations and recommend some changes. Butler, who acknowledges the state's warning signs are "kind of catchy," credited Lamont for not caving to pressure to "do things that were a little bit more aggressive" and ultimately recognizing the tribes' sovereignty.

"I think the adults in the room actually came to the table and had an adult conversation," Butler added. "He realized that, look, we may agree to disagree and still work well together. And we did."

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