

POLICY ANALYSIS SUMMARY
TOHONO O'ODHAM NATION'S TRUST APPLICATION FOR GAMING PURPOSES

Federal Government's Right to Impact State and Local Governments

- Removal of land from sovereign state jurisdiction without state's consent
- Imposition of significant effects on state and local government without due consideration

Jurisdiction Issues

- Imposition of a sovereign amidst existing governmental jurisdictions
 - Questionable enforceability of necessary intergovernmental contracts
 - Increase risk of tort liability
- Preemption of state and local taxing authority
- Unsettled and confused law enforcement and emergency response on tribal lands
- Loss of ability to protect city's federally-funded, general reliever airport and potential impact on Luke Air Force Base operations
- Loss of coordination of proposed facility with other community development
- No limitation or community input on types of uses placed on property
- No ability to recover significant costs associated with impact of development on city infrastructure

Balance of State and Community Interests and Indian Gaming

- Negative effect on surrounding businesses that have invested millions of dollars without any anticipation of the development of adjacent Indian reservation with gaming facility
- Alteration of nature of community develop through millions of dollars of public and private investment in nearby venues that provide family-oriented sports entertainment
- Evisceration of balance achieved for Indian gaming through years of negotiations
 - Contrary to understanding that no Indian gaming on any post-1988 Indian lands
 - Reversal of position taken by Tribe in formulating that balance
- Establishment of a foundation for development of other types of gaming facilities and much larger Indian gaming facility than ever envisioned
 - Proposal provide basis for allowing gaming at horse and dog racetracks
 - Triggering of gaming compacts' "poison pill"
 - Eliminates all limitations Indian gaming
 - Renders worthless assets of non-gaming tribes' gaming allotments and eliminating benefits tribes derived from selling these assets to gaming tribes