

Jerry Weiers, Mayor
City of Glendale, Arizona
Oral Testimony before the U.S. Senate Committee on Indian Affairs
Legislative Hearing on S. 2670 / H.R. 1410
“The Keep the Promise Act”
September 17, 2014

Good afternoon Chairman Tester, Vice Chairman Barrasso and members of the Committee. My name is Jerry Weiers. I am the Mayor of Glendale, a city of 232,000 and the 72nd largest city in the country. Before becoming Mayor, I served eight years in the Arizona Legislature.

I am here today to discuss my personal views on a controversial tribal casino proposed for my City. As Mayor, I am required to state that my views today do not represent the majority of the body of the Council and my views are not the official position of the Council.

Like Senator McCain, I supported Arizona Proposition 202, the 2002 ballot initiative which gave tribes the exclusive right to conduct gaming. One key aspect of the initiative campaign was the clear promise, repeatedly made to voters by Tribes and State officials, that there would be **“no additional casinos in the Phoenix-metro area.”**

When Arizona Governor Hull concluded compact negotiations with the 17 Tribes, she publicly announced that under the compact, there would be – and I quote - **“no additional casinos in the Phoenix metropolitan area.”**

[HOLD UP pamphlet] Here is a voter pamphlet from the 2002 initiative campaign that was widely distributed by the 17 Tribes. The pamphlet told voters that under the compact – and I quote - **“there will be no additional facilities in Phoenix.”** Page 6 of the pamphlet says that major funding for it was provided by the Tohono O’odham Nation, who I will respectfully refer to as TO.

Understandably, the public was blindsided when TO announced in January 2009 that it was going to open a Las Vegas-style casino on a 54-acre parcel within our City. No one gave us any warning. No one asked for our opinion. At that time, I was serving in the Arizona Legislature and I met with TO Chairman Norris and expressed my grave concerns about gambling within our City.

The City Council immediately passed a resolution opposing the casino because it would harm our residents and their way of life. During the following five years, the City was involved in two lawsuits to stop the casino, at enormous financial cost.

Recently the City Council voted 4-3 to repeal our 2009 resolution opposing the casino. But this was done only AFTER the Interior Department had already decided to create a casino reservation on the parcel. We had no real choice - continue to fight and hope for action from this body, or give up. It is frustrating to be a city of our size and have no voice on gambling pushed by a tribal government more than a hundred miles away.

The public has **no right** to object to gambling because the narrow exception in the 1988 Indian Gaming Regulatory Act that TO is using gives Interior absolutely **no authority** to stop gambling, even if it knows of adverse impacts to nearby neighborhoods, churches, and the 2,000-student public high school across the street, and even though Arizona Governor Jan Brewer formally objected. Since Interior has no authority to stop the gambling, there is no reason to ask the public for comments or investigate adverse impacts.

This is polar opposite to the “two-part” exception in IGRA, which is typically used for off-reservation casinos such as this. It requires that Interior prepare an Environmental Impact Statement and investigate in great detail adverse impacts that a casino may cause. What’s more, for gambling to be allowed, the Secretary must determine on the record that the casino, **and I**

quote, “**would not be detrimental to the surrounding community.**” And, most importantly, the State’s governor has the legal right to veto any casino project regardless of the Secretary’s decision.

But in our case, the public has **no say**, the State Legislature has **no say**, the Governor has **no say**, and Interior has **no authority** to stop it, despite adverse impacts. For us, this means that the largest tribal casino in the history of the State may operate on a 54-acre island in the middle of the Phoenix-metro area without anyone investigating and addressing the adverse environmental and social impacts it will cause, and without any federal, state or local official deciding that it can safely operate in the public interest.

What’s more my City may not be the last. Our sister cities realize that unless Congress acts, they may be next. Under the 1986 Gila Bend Act, TO claims it can create reservation land on 6,626 more acres. And, T.O. claims a right to operate a total of four new casinos in the Phoenix-metro area. If Congress does not act quickly, the entire Phoenix metropolitan area must be prepared for more off-reservation casinos. And that is why 8 Mayors and many more City Council members have signed a letter asking that Congress enact the Keep the Promise Act.

As a former State legislator, I know that if gambling happens in Glendale, there will be a strong effort in the Arizona Legislature to authorize non-Indian gambling in the State. And that will have a devastating effect on all Tribes.

I urge this Committee to move the Keep the Promise Act. The bill is about **preserving the promises** made by Tribes to voters and **protecting Phoenix-metro cities** from having unwanted gambling within their borders.

Thank you. I am happy to answer any questions.