



State unfair in action against Arizona tribe

February 06, 2011 4:11 PM

Sadly, the Arizona Legislature and Gov. Jan Brewer have continued a long-standing practice in America of unfairly dealing with Native Americans.

Last week, the governor signed legislation that has the potential to deny the southern Arizona Tohono O'odham Nation the ability to fully use property it owns because the governor and others disagree with the location of a casino on the land.

What the new law does is allow the city of Glendale, where the governor lives, to annex the land owned by the tribe without the tribe's permission. Normally, at least 50 percent of property owners must approve an annexation or it cannot take place.

The reason for the forced annexation is to prevent the tribe from adding the land to its reservation and placing a casino there.

The circumstances involving the land are unusual. A 1986 federal law gave the tribe the ability to purchase land to replace 10,000 acres flooded by a federal dam project. The land chosen is near Glendale in the Phoenix area, far from the tribe's reservation, but the federal law allows the land to be added to the reservation as long as it is not within city limits. Casinos can only be built on reservation land under Arizona law.

Thus we have the rationale for the forced annexation, at least from the perspective of state officials. Annex the land and it can't be part of the reservation and it therefore can't have a casino.

Whether that is actually what will happen is not yet known. There could be court intervention that prevents the new law from having its intended result.

The tribe acted within guidelines provided by the law, even if the governor and others disagree with the outcome.

On the other hand, the response of state officials in trying to force an annexation smells of abuse of power.