



Tohono O'odham Nation One Step Closer to West Valley Resort-Style Casino

By [Monica Alonzo](#), Thu., Mar. 3 2011 @ 5:30PM

U.S. District Judge David Campbell ruled today that the Tohono O'odham Nation's 54-acre property in the West Valley must be taken into trust.

And that means that the Nation is one step closer to building the West Valley Resort, a casino that would feature restaurants, bars, and retail shops for the estimated 1.2 million people that will visit casino each year.

The Nation's victory in federal court comes despite fierce opposition from Arizona's politicians, including Governor Jan Brewer.

The City of Glendale and the Gila River Indian Community argued in court on February 17 that the decision made by the U.S. Department of Interior to take the land into trust, that is designate the land an Indian reservation, should be set aside.

In his decision, Judge Campbell wrote that they had not provided legal basis to support their claim.

These plaintiffs include the Gila River Indian Community, the City of Glendale, Speaker of the House Kirk Adams, House Majority Leader John McComish, House Majority Whip Andy Tobin, and Senate Majority Leader Chuck Gray and the State of Arizona.

The battle over the Tohono O'odham's plans for a casino has become so politicized, that Campbell made a point in his decision to "note what is **not** at issue in this case."

He wrote:

"This case does not concern appropriate limits on Indian gaming. This case is not about whether the federal government, as a matter of good governance, should show greater deference to the wishes of state and local voters and leaders.

This case is not about who promised what to whom when gaming laws and compacts were adopted in the past. This case is not even about whether a Las Vegas style casino in the middle of Glendale is a good idea.

Federal district courts are not commissioned to roam broadly through the social landscape implementing their own views of good public policy.

The questions this Court must decide are narrow and legal: was the Department's decision to take the land into trust for the benefit of the Nation "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law under the Administrative Procedure Act, 5 U.S.C. § 706(2)(A), and did it violate the United States Constitution or the Indian Gaming Regulatory Act?"

Ultimately, the judge's answer was no to both questions. Read [Campbell's full decision](#).

A statement released today from the Nation notes that the Court's ruling represents the third decision in the Nation's favor -- DOI approved the Nation's application on July 23, 2010, and the Bureau of Indian Affairs stated the request meets all of the requirements in May 2009.