

[Homepage](#) 

Patrick, Casinos hammered in State House hearing

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BOSTON - Acknowledging that his casino proposal is now a long shot, Gov. Deval Patrick on Tuesday told lawmakers his legislation deserves an open debate on the House floor, calling for an open process about which administration officials are increasingly dubious as House Speaker Salvatore DiMasi continued to fortify his opposition.

With committee polling set to begin at the close of Tuesday's marathon hearing, and a full House vote expected Thursday, the legislative panel vote's outcome was uncertain, with several stakeholders predicting a one-vote margin. At the same time, DiMasi's rising outspokenness in denouncing the bill congealed a conventional wisdom that the full House vote will likely result in a wide margin of defeat for casinos.

Lawmakers on Thursday began discussing ways to make Patrick's proposal more palatable, but also the possibility that a particularly striking roll call vote in opposition could damn the casino push for next session as well.

"I have no illusions about the plans in the House for this legislation," the governor said during a seven-plus hours hearing that was continuing into Tuesday night. "But I am here anyway, because what you do in this committee will determine whether that full and open debate is even possible. I am simply asking that an open debate begin, rather than end."

"I do not believe it is too much to ask that we have a debate and a vote on the merits, without resorting to undue pressure from House leadership," the governor said.

DiMasi said that a "worsening economic forecast" requires that the state take a multi-pronged approach to economic development, blasting casino gambling as a diversion from "important issues" that would wreak "human devastation."

"Do we really want this? Do we need this casino culture? After six months of debate on this bill, I believe the evidence is not there, the case has not been made and time is running out. Right now, my answer is no," DiMasi told business leaders.

Committee members predicted the standing-room-only Gardner Auditorium hearing would last well into the night, after which they had scheduled a committee vote on the bill. Pro-casino forces began lobbying some skeptical and undecided members of the committee to reserve their rights rather than vote against the bill. Patrick aides and senior House members said they are prepared for a full House vote on the bill Thursday.

Earlier, Patrick told the News Service, "It's an uphill climb, we know that. And I can count."

If the committee votes to endorse the bill, Patrick will have won a procedural victory that would increase its likelihood of passing the House, where, administration officials acknowledge, the measure's success is now unlikely.

The daylong legislative theater featured Beacon Hill's two most visible powerbrokers tangling over a policy issue that has largely come to define the relationship that dominates all others in state government. At the outset of the packed hearing, Patrick told lawmakers, "The debate around this proposal has been spirited, which is fine, and occasionally acrimonious, which is not."

The bill would allow for up to three casinos, which the administration has billed as tourism destinations, and predicted would generate \$2 billion in annual economic activity, \$400 million in annual state revenues, create 20,000 permanent jobs, and reap up to \$900 million in licensing fees. Patrick has backed off earlier forecasts of 30,000 construction jobs, as major doubts have arisen about their accuracy.

Patrick's hour-long testimony focused on urging lawmakers to consider the revenue and job creation that he estimates would result from the three casinos his legislation would allow. Patrick said he was apprehensive about the social costs, but argued that an Indian casino was likely in Massachusetts.

He said he was willing to negotiate key elements of the bill, floating Chapter 70 and municipal relief as possible revenue recipients, along with the property tax relief and transportation he had initially designated. Rebutting frequent lines of attack on the plan, Patrick said he was amused by twin arguments that the casinos would not produce adequate revenues and simultaneously suck unacceptable funds from existing businesses.

The Committee on Economic Development and Emerging Technologies hearing saw Patrick go face-to-face with his bill's chief critic, co-chair Rep. Daniel Bosley, who sparred lightly with Patrick over the long-term impacts of introducing casinos and countered Patrick's criticism of House leadership's persuasive tactics.

"When you bring people in, it's educational, when we bring people in, it's arm-twisting," Bosley told Patrick. Laughing, the governor replied, "It's all about the substance."

Before testifying, Patrick took dead aim at DiMasi during a morning Boston Common rally, thundering, "Four proposals in a row opposed by the House leadership, with no alternative idea. Where is the leadership, ladies and gentlemen?"

With hundreds of union demonstrators cheering, Patrick questioned the "methods that have been used to persuade the vote to move," then demanded, "Put up ... and you know how the rest of that goes."

In his address, DiMasi told the Greater Boston Chamber of Commerce that casinos are "an economic drain" on local businesses.

"Which city or town in Massachusetts is really willing to become a casino sacrifice?" he said. "We will absolutely - and no question - have increased bankruptcies, foreclosures, divorce, broken families, increased property crimes, domestic violence, and it goes on and on and on."

DiMasi's speech was received as an unalloyed indictment of both the governor's plan and its prospects. One lawmaker who attended, speaking anonymously, said, "He came out like he was on a dock. And he gutted that thing like a [expletive] bluefish."

Asked about Senate Ways and Means chair Sen. Steven Panagiotakos's proposal to place the casinos on the ballot in referendum form this fall, DiMasi replied, "This might be a last ditch effort on a bill that is going to take a vote in the Legislature. If they wanted me to put it on the ballot and not have a debate in the House, I don't know why they haven't talked to me about it before. It seems curious that they're bringing it up now."

Critics of the plan said the state should instead pursue other economic development efforts. "It is a fool's gold," Somerville clergyman and Democratic activist [Robert Massie](#) said of the casino plan. "It has

come up over and over again in the history of this state. I like this governor, but he is making a mistake."

But Patrick has insisted casinos should be included in a parcel of efforts. Asked about DiMasi's \$50 million plan to inculcate the clean energy sector here, which the speaker announced yesterday, Patrick replied, "We need them both."

During testimony, Secretary of Housing and Economic Development Dan O'Connell said he believes federally recognized Native-American tribes have the "upper hand" when pursuing casinos. "I don't think our negotiating posture is as strong as I would like it to be," he said. There are 372 Native-American gaming facilities in the United States, he said, predicting the Mashpee Wampanoag "will ultimately be successful."

In prepared testimony, Cheryl Andrews-Maltais, chairwoman of the Wampanoag Tribe of Gay Head (Aquinnah), which has had federal recognition for 20 years, said the tribe supports Patrick's bill. The tribe last year forged a partnership with the Seneca Nation of Indians of New York, which has developed three casinos in New York, to pursue casino development opportunities in Massachusetts. The tribe explored a New Bedford casino in the 1990s, but the effort never panned out.

Some say the outcome of this year presidential contest will dictate the success rate of Indian gambling facilities. DiMasi said there was no need for urgency regarding the Mashpee Wampanoags' drive for a casino in Middleborough. "The argument of inevitability doesn't resonate with me," he said. "I don't believe they have that absolute right, because they're moving off their reservation. I don't think the federal government is going to allow it." Even if it did, he said, "It's going to take years."

Patrick and Treasurer Tim Cahill have pointed to the Mashpee tribe as one reason it is important for Massachusetts to harness the market for casino gambling sooner rather than later. In a rebuttal to the speaker's remarks after the breakfast, Lt. Gov. Tim Murray said Massachusetts residents already flock across the border to Connecticut to gamble, so Massachusetts is already experiencing the social costs of gambling without realizing any of the revenue.

Murray said the administration was focused on many other priorities, not solely casino gambling, and he named the governor's life sciences bill and bond proposals as examples.

At the morning rally, some of the state's most powerful labor leaders promised to withhold support from any lawmaker who didn't vote for the casino bill, which would rob from Democratic incumbents a key source of support. In full-throated and occasionally profane remarks, state AFL-CIO president Robert Haynes said legislators needed to answer how they could vote against a bill that would furnish 20,000 full-time jobs, and told workers to lobby individual lawmakers.

"March into that goddamn building up there, and you get into their office," he said, to cheers.

Hard hat-wearing construction workers headed back to job sites downtown after attending the rally.

Patrick aides answered lawmakers' questions for over an hour. O'Connell said later he would be disappointed if the committee attached an unfavorable report, which would force the House to hold a debate on overturning the committee's recommendation. He said the committee members who had asked for additional information, including Bosley, should be given time to review it.

Under questioning from a skeptical Rep. Jeffrey Sanchez (D-Jamaica Plain), Secretary of Labor and Workforce Development Suzanne Bump said the administration was confident in the wage estimates it has attached to casino jobs.

State Health and Human Services Secretary JudyAnn Bigby, questioned by lawmakers about the industry-funded \$50 million fund aimed at servicing individuals with gambling problems, said she didn't

foresee a "huge influx of newly addicted persons" should casinos be legalized in Massachusetts.

Massachusetts as one of the lowest per capita spending rates on gambling treatment services, Bigby said, and the anticipated fund revenues would help the state cope with problem gamblers who already live here, including many who regularly visit out-of-state gambling venues.

Bigby said about 250,000 Massachusetts residents experienced some sort of gambling problem in the last year. While noting numerous studies assert between 1.5 percent and 2 percent of gamblers are pathological gamblers and 3 to 5 percent are problem gamblers, Bigby said the numbers of individuals in Massachusetts with gambling problems "might increase" if casinos were started up in Massachusetts.

"I can't tell you how many new gamblers we would have because of casinos in Massachusetts," she said.

Rep. Denise Provost (D-Somerville), a strong casino critic, said the state harbored an "ambivalence amounting to schizophrenia" over the issue, and suggested the state's higher education could suffer because parents would not want to send students to schools with easily accessible casinos in the area.

Echoing a standard argument of Bosley's, Provost said the state would essentially sell its soul to the casino industry by passing the bill, held hostage to ongoing requests for eased regulations.

"This will not be an industry that we can say no to in the future if we invite this industry in our doors," she said, adding, "They will own us."

Hundreds of labor activists in red shirts filled the auditorium seats. After Massie's testimony against the bill, many booed him and shouted derisively. Massie turned and waved aloft a sheath of notes. Sen. Jack Hart, Bosley's co-chair, yelled at the audience into the microphone, "If you're not going to give somebody respect, we don't want you here."

The hearing also saw an overture toward reconciliation. Rep. Brian Wallace, a South Boston Democrat who strongly favors casinos, during his testimony apologized to Sen. Susan Tucker, the Andover Democrat who strongly opposes the measure, for letting his emotions get the best of him last week. Wallace and Tucker squared off during a casino briefing, with raised voices as legislative aides looked on in surprise.

Shortly after 5 pm, with the line of testimony promising to stretch for hours, Hart said that despite earlier doubts about the fairness of the hearing he had found the day's session "as fair a process as I have been involved with."

"This has been very fair today," Hart said, drawing applause from a group of DiMasi staffers in the audience.

Hart then said the committee would begin polling immediately after the hearing, likely keeping the survey open until 12 pm Tuesday. An adverse report would require a majority vote to overturn the committee report before allowing the legislation itself coming up for debate and vote.

Absent from the hearing, and from the debate over casinos for the last two months, was Patrick's assistant secretary for policy and planning, Stanley McGee. McGee, a point man for Patrick, is facing charges of sexual assault on a teenage boy in Florida.

