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Critics assail Catskills casino plan

Proposal gives out-of-state Indian nations foothold in New York, Oneidas say.

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By Scott Rapp
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Gov. George E. Pataki's proposal to award a Catskills casino to the Seneca-Cayuga Tribe of Oklahoma will open the floodgates for all Indian nations to establish gambling empires outside their home states, an Oneida Indian Nation spokesman says.

"Gov. Pataki just hung a 'For sale sign' on New York state for any out-of-state Indian nation to establish a casino strictly to make money to send back to their home reservation. He is giving in-state opportunities and money to out-of-state interests," Mark Emery, a nation spokesman, said in an electronic message.

"The governor is misleading communities in the Catskills that are anxious for development, knowing full well that the federal government takes a very dim view of Indian nations 'reservation shopping' in other states strictly to establish casinos," Emery said. "This will be the latest announcement by the governor that bears no fruit."

The Oneidas own and operate Turning Stone Resort and Casino in Verona, where they employ more than 4,000 workers. They have also been interested in leveraging a Catskills casino deal from the state.

Todd Alhart, a Pataki spokesman, said the settlement deals include both the Cayuga Indian Nation of New York and the Seneca-Cayuga Tribe of Oklahoma because both nations have been recognized by the federal government and district court to have valid interests in the Cayuga land claim.

He said the deals will be an economic boon to the Catskills.

"It's clear to any objective observer that the agreements with the Seneca-Cayugas and Cayuga (Indian) Nation of New York would result in the creation of thousands of new jobs and provide a tremendous boost to the Catskills region's economy. And the agreements would put an end to two decades of unrest and uncertainty for homeowners in the land-claim region," Alhart said.

The Seneca-Cayugas and Pataki announced Nov. 12 they had reached an agreement to settle the tribe's share of the long-standing Cayuga Indian land claim to some 64,000 acres of former reservation land that circles Cayuga Lake's northern tip.

In exchange for a casino compact with the state, the Seneca-Cayugas agreed to collect and remit all local taxes on goods and services sold at the casino complex. That breaks from the Oneidas and other Indian nations in New York state, all of whom refuse to collect and pay the tax.

The Cayuga Indian Nation of New York announced Thursday that it had settled its share of the land claim in exchange for a casino at Monticello. The Cayugas agreed to drop their cross-appeal in the case.

Both agreements require approval from Congress and the state Legislature.

The Oneida nation wasn't the only one critical of the settlement with the Oklahoma tribe, which ties its roots to the historic Cayuga Indian nation.

Robert Odawi Porter, an Indian law expert at Syracuse University, said Pataki's deal with the Seneca-Cayugas "raises significant issues at the federal level because of its precedent for liberating Indian nations to migrate to other states."

He also said the deal sets statewide precedents because the tribe has agreed to collect and pay local taxes, and also relinquish its share of the land claim and the court judgment.

"It's a pretty obvious effort by the Seneca-Cayugas to colonize the Catskills and send the proceeds from the proposed casino back to Oklahoma," said Porter, the former attorney general of the Seneca Nation of Indians and director of SU's Center for Indigenous Law, Governance & Citizenship.

In Sullivan County, Legislature Chairman Christopher Cunningham said his county has already started negotiating with the two Indian nations, both of whom have casino management contracts with Monticello Raceway owner Robert Berman.

Sullivan County seeks \$15 million a year from both nations to offset the casinos' impact on schools and other services.

"They've indicated they're willing to sit down and work with us," Cunningham said of the Seneca-Cayugas.

Scott Wood, a lawyer and member of the Oklahoma tribe's business committee, said the Seneca-Cayugas are agreeable to paying the \$15 million through the collection of taxes. The tribe would make up the difference if the taxes fall short of the \$15 million, he said.

"We've always said we want to have a positive impact wherever we land. That's a pretty good start," Wood said.

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