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Title: Judge upholds N.Y. casino lawArticle Date: 18/07/2003, Source: *Associated Press*

Article Text:

Legislation authorizing up to six casinos to be built in western New York and the Catskill Mountains, and video slot machines at horse racing tracks, was upheld today by a state judge.

So far, only one of the six casinos has been opened -- by the Seneca Indian Nation in Niagara Falls -- and none of the electronic slot machines have yet to be activated by the tracks.

The legislation also authorized New York to join a multi-state lottery, and it has done so, participating in the Mega Millions game.

Albany attorney Cornelius Murray, representing those who had challenged the law, said the trial court's ruling would be appealed. Murray had argued, among other things, that the law violated the state constitution's ban on casino gambling.

"We still feel we have a very strong case," Murray said.

A spokesman for Gov. George Pataki, Joseph Conway, said: "While we are still reviewing the details of the decision, we were confident that the law would be upheld by the courts and are pleased that the judge has affirmed that the law is constitutional."

In his 11-page ruling, state Supreme Court Justice Joseph Teresi said earlier federal court rulings that "must be upheld" made it clear that Indian-run casinos were allowed under terms of federal law even though New York's state constitution has a general prohibition against casino gambling.

Teresi also agreed with the state's contention that the video gambling machines were really "true video lotteries" even though "the outward appearance of a VLT (video lottery terminal) vis-a-vis a slot machine is similar." The state constitution was amended decades ago to allow lotteries.

The ruling came as a welcome win for state officials under fire for allowing Indian-run casino gambling as a means of helping ease state budget problems. The state gets a cut of the revenue from slot machines in the casinos.

Just last month, the state's highest court, the Court of Appeals, had dealt the state a setback on its move to allow Indian-run casinos. The top court ruled that the agreement for an operating Mohawk casino in northern New York, negotiated by former Gov. Mario Cuomo, was illegal because it had not been approved by the state Legislature.

The 2001 legislation was different because Pataki, the state Senate and the state Assembly approved the deal. The bill was approved just a month after the Sept. 11 terrorist attack on the World Trade Center, with state leaders desperate to generate new sources of revenue.

The Senecas are looking at possible casino sites in Buffalo and other parts of western New York. Several other tribes are in active negotiations with the state over possible facilities in the Catskills.

Pataki and others hope Catskill casinos will grab some of the revenue from New York City-area residents who currently gamble in Atlantic City and at Indian-run casinos in Connecticut.

A third casino is also operating in New York under an earlier agreement between the state and the Oneida Indian Nation. It is the Turning Stone facility just off the New York state Thruway between Albany and Syracuse.

Courtesy of www.casinoman.net[Close Window](#)