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Order Imperils Proposed Casino

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A federal magistrate has clouded the legitimacy of the St. Regis Mohawk tribal government in a decision that could derail a deal between the tribe and the state for a casino in the Catskills. In a decision obtained Friday, Syracuse Judge David Peebles ruled that the U.S. Department of Interior must review its decision to recognize the elected three-chief government in place since 2000. The federal agency must re-examine whether the constitutional government that briefly held power in the mid-to-late 1990s should be the recognized leaders.

Peebles ruled the agency's recognition of the elected chiefs as the tribal authority was not the result of a "considered analysis of the leadership dispute, but instead resulted from a misconception" from a lower court order. The earlier constitutional government had sued the Interior Department and the elected tribal chiefs over the recognition issue. Ironically, one of the constitutional government chiefs, Barbara Lazore, won election to the current tribal government.

Officials with the tribe and their attorneys were unavailable for comment. However, standing deals between the tribe and Park Place Entertainment to create a Sullivan County casino would be derailed if the department decides to recognize a different government. Also, negotiations between the Pataki administration and the current chiefs would be in limbo.

Gov. George Pataki seems to be taking the matter seriously. "We're reviewing the decision and will be consulting with the Bureau of Indian Affairs and the attorney general's office," said Pataki spokesman Todd Alhart. In other American Indian matters, Upstate Citizens for Equality, a group angry at the failure of American Indian businesses to pay taxes, said it is gathering petitions to impeach Pataki over his refusal to collect taxes from Indian enterprises.

"He thinks he's king of New York. He's usurping the power of the Legislature," said Scott Peterman, president of the group.

He said he will ask Assembly members to use the petitions to begin impeachment. However, Assemblyman William Magee, D-Nelson, said he won't accommodate.

A Pataki spokesman called the initiative "ridiculous." The effort occurs as Senate and Assembly members are proposing a constitutional amendment to allow non-Native Americans to open casinos statewide. That proposed amendment was blasted Friday by Anthony Cellini, a Democratic supervisor of the town of Thompson in Sullivan County, where three Indian casinos are proposed.

"It'll slow everything down," he said. Senate Racing & Wagering Committee Chairman William Larkin was unavailable for comment. But he introduced his own constitutional amendment bill that authorizes casino gambling in Sullivan and Ulster counties, Niagara Falls, and Cattaraugus and Erie counties, by the Seneca Nation or private entities.

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