



Let the Games Begin: Bill approved to ratify Akwesasne compact

A good business decision?

Posted: [April 12, 2004](#) - 12:15pm EST

by: [Tom Wanamaker](#) / Correspondent / Indian Country Today

The New York State Senate in late March approved a measure to ratify the Class III gaming compact between the state and the St. Regis Mohawk Tribe. The new Mohawk compact will prevent the loss of hundreds of jobs at the Akwesasne Casino, allow the tribe to install 1,000 slot machines and, of course, guarantee an annual revenue stream estimated at \$6 million to \$9 million for Albany. The measure now awaits action by the Assembly.

In June 2003, the Court of Appeals, New York's highest court, by a 4 - 3 vote ruled invalid the Akwesasne compact, signed in 1993 by former Governor Mario Cuomo, because it never received legislative approval. The Akwesasne Casino, located in rural Hogansburg near the St. Lawrence River, has been in operation since 1999 as a Class II facility and has remained open despite its uncertain future. The new slot machines would make it Class III.

When the deal was proposed last November, St. Regis Mohawk Chief James W. Ransom called the agreement to share slot revenue with Albany as a "good business decision." In return for giving in to Albany on revenue sharing, the Mohawks get exclusive rights to operate slots in the eight-county North Country region and, more importantly, remain in the hunt for a potentially lucrative Catskill casino.

Revenues paid to the state will be governed by a sliding scale similar to that agreed to by the Seneca Nation for its Seneca Niagara Casino. Payments start at 18 percent of the net drop (revenue before expenses but after winnings are paid) for the first four years, increase to 22 percent for the next three years and top off at 25 percent for the remainder of the deal.

The state Assembly failed to act on the matter before its session ended last year. Perhaps this year it will get around to approving the compact.

"One size does not fit all in the context of negotiations with specific Indian nations," Sen. Michael F. Nozzolio, R-Seneca Falls, told the Syracuse Post-Standard on April 4. The senator added that he hopes "that what we establish today is a rock-solid precedent" and that he believes "it's paramount we listen to the local representatives."

Sen. Nozzolio, when was the last time that you and your colleagues actually listened to the people you represent? School districts and municipal governments have complained about the Legislature's fiscal irresponsibility and its impact on them for years. But for the 20th consecutive year, the Legislature has failed to produce a state budget by the April 1 deadline mandated by state law.

More questions for Sen. Nozzolio - how can you establish a "rock-solid precedent" if "one size does not fit all"? The Mohawk compact's revenue sharing terms are reportedly identical to those in the Seneca-Pataki compact of 2002, which makes little sense. The Mohawks' Akwesasne Casino is situated in a remote part of the state while the Seneca-Niagara Casino sits in the heart of one of the world's tourist Meccas - Niagara Falls. Are the Seneca and now Mohawk revenue-sharing terms going to become the de facto price of opening an Indian casino in New York? This sure looks like "one size fits all" from here.

But at least Sen. Nozzolio supported the Mohawk compact measure. One who did not is Sen. Nancy Lorraine Hoffmann, R-Fabius.

"I will not support a compact in another part of the state until the Oneida compact is renegotiated and a fair revenue stream is directed to the localities that are in its immediate area," Hoffmann told the Post-Standard. Sen. Hoffmann apparently has no problem with reneging on an agreement negotiated in good faith. The Oneida and Mohawk compacts are distinct documents, negotiated separately, with no relationship with each other.

A question for Sen. Hoffmann, who was elected to her tenth two-year term in November 2002: Where were you in 1993, when Gov. Cuomo signed the Mohawk and Oneida compacts? If you didn't like its lack of a "fair revenue stream" why didn't you complain back then?

Oneida Nation officials have repeatedly stressed both that the Mohawk and Oneida compacts are separate cases

and that the Oneidas will prevail in the pending court case challenging their compact.

If the St. Regis Mohawks end up with one of the three Catskill casinos, their concession to financial demands from Albany may indeed turn out to be a "good business decision," for them at least. But the move also appears to have set a "rock solid," "one-size-fits-all" precedent, at least in Albany's collective mind.

This article can be found at <http://IndianCountry.com/?1081786611>