



**Upstate Citizens for Equality
Niagara Frontier Chapter**

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May 21, 2004

Philip N. Hogen, Chairman
National Indian Gaming Commission
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Dear Chairman Hogen and Mr. Suddaby:

I am writing to you today on behalf of the members of Upstate Citizens for Equality regarding the recent ruling of the New York Court of Appeals in the matter of Saratoga County Chamber of Commerce v. Pataki and its effects on Class III gaming in the Mohawk and Oneida casinos. In this decision the Court declared invalid the 1993 compact entered into between the Mohawks and former Governor Cuomo. Therefore any Class III gaming occurring at the Mohawk casino is in violation of the IGRA.

The State of New York has recently withdrawn its appeal in our action (Peterman v. Pataki) that challenges the compact between the State of New York and the Oneida Indian Nation of New York and according to the attached letter from Assistant Attorney General Robert A. Seigfried has conceded that Governor Cuomo was without authority to enter into the 1993 Oneida Compact and it is therefore void and unenforceable under State Law. There are currently cases pending that challenges even the Legislature's powers to authorize these compacts absent a Constitutional amendment (Dalton v. Pataki, etc.) Therefore, there is no valid compact permitting this establishment to conduct Class III gaming under the Indian Gaming Regulatory Act (IGRA).

Therefore we are requesting that you take immediate action to order the Mohawk and Oneidas to cease and desist from conducting any Class III gaming until such time that they obtain the requisite valid tribal-state compact.

Sincerely,

Daniel T. Warren
Chair
Niagara Frontier Chapter of Upstate Citizens for Equality

Cc: Aurene M. Martin
Principal Deputy Assistant Secretary
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