



**Upstate Citizens for Equality**  
**Niagara Frontier Chapter**  
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June 20, 2003

Philip N. Hogen, Chairman  
National Indian Gaming Commission  
1441 L Street NW  
Suite 9100  
Washington, DC 20005

Dear Chairman Hogen:

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.

Since this decision declared that the governor of our state cannot enter into any gaming compact without legislative approval, and that all lower courts are now bound to this principle by the doctrine of stare decisis, any casino conducting Class III gaming in the absence of such legislative approval is also in violation of the 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 legislative approval.

Sincerely,

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

Cc: Glenn T. Suddaby, Esq.  
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